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GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

Lord Wrenbury's Report.

NO SURPRISE will be felt by lawyers accustomed to weigh evidence at the Report of Lord WRENBURY'S Committee of Inquiry into the W.R.A.F. allegations made by Miss DOUGLAS PENNANT. That the report should be unanimous was only to be expected; no grounds existed to justify difference of opinions. That it would be trenchant and epigrammatic was reasonably clear, inasmuch as Lord WRENBURY, who is always brilliant, presided, and doubtless drafted the Report. The complete exoneration of all concerned was the only conclusion possible on the evidence, or, rather, on the lack of evidence. There will be much sympathy with Miss DOUGLAS PENNANT, whose wounded pride, suffering from an unduly abrupt dismissal, led her to believe incredible things and *bonâ fide* prefer untenable charges; but it will be generally felt that the unfortunate grounds on which she based her case rendered necessary severe censure of her attitude in making those charges.

The Procedure of Committees.

WE ARE not quite certain, however, that Lord WRENBURY took the proper view of his Committee's functions. Did he not take too purely professional a view? He regarded the case as one in which Miss PENNANT alleged that she had been wrongfully dismissed; she must, therefore, begin and call evidence to prove her case. This method of proceeding works well in private affairs. But it may not be equally suitable with public matters affecting a Government Department. Loyalty and discipline are two powerful forces which make it extremely difficult for a private person who is making charges against a Government Department to get evidence from among its members. They are naturally reluctant to take sides against their own service. They are not likely to come forward voluntarily, and even when they are approached and persuasion is tried, they are unlikely to prove ready or willing witnesses. This was seen three years ago in the famous PEMBERTON BILLING Inquiry. There Mr. BILLING made against the Royal Flying Corps charges of inefficiency and negligence and the taking of unnecessary risks. He used violent language, was rather outspoken in his attacks on high personages, and generally indulged in a great deal of exaggera-

tion. But probably most persons who have served in the Royal Air Force would agree that much of what he alleged was in substance not far from the truth. Yet he could not get witnesses to come forward and give really valuable evidence in support of his case. It is not impossible that Miss PENNANT was similarly handicapped when she tried to get evidence on some of the general charges she made about conditions in W.R.A.F. camps. At any rate, her failure to adduce evidence will hardly impress service men acquainted with service conditions to the same extent that it impressed Lord WRENBURY'S Committee. Of course, this does not justify Miss PENNANT in making unsupported charges against named individuals, especially as some of those charges were contradicted by the available minutes and proceedings.

Public Inquiries.

WHEN ALL is said and done, however, we doubt whether it is fair to expect private persons to find witnesses and prove their case at a public inquiry. It puts difficulties, and also expense, on their shoulder which the Court of Inquiry should itself undertake. Perhaps the best procedure for such a Court is to start like a man of science, collect its own facts, and call as witnesses all the persons who can give it assistance. It has much larger resources at its disposal than the private person. The witnesses whom it calls are saved the odium of appearing for or against anyone; they are not giving evidence at anyone's request against their own department or chief, but in the public interest at the Court's invitation. Therefore loyalty and discipline are less operative to keep them silent. This seems to us an all-important consideration. We are inclined to think that it deserves careful consideration at the hands of any future Committee into an alleged public scandal which is anxious to get the best procedure for arriving at truth. The lawyer's method, which applies the analogy of litigation to matters not really a *res litigiosa*, is hardly always the best.

Legal Advisers at Courts-Martial.

WE PRINT elsewhere a spirited letter from a learned and gallant correspondent who has revised court-martial proceedings and seems to have taken umbrage at some of our comments. We rather think he has misunderstood the nature of our criticism. Our own information, we may say, was supplied us by a barrister who has served as C.M.O. on an important staff. He has also been an ordinary regimental officer and an adjutant, in addition to temporarily doing provost-marshal's work as the officer commanding military pickets in a garrison town, and also temporarily serving as a discipline officer doing the work of a D.A.A.G. His experience has therefore, probably, been as wide as that of our correspondent. Where doctors disagree, it is notoriously hard to decide where lies the truth.

The Status of Court-Martial Officers.

THE FIRST point upon which our correspondent attacks us is our suggestion that the C.M.O.'s status needs to be improved if he is to be really influential and to carry weight with his superiors and colleagues. In the Army rank is all-important. A senior officer (major and higher rank) has a weight which scarcely the most forceful and able of juniors can ever command. A Staff officer, who directly represents his General, and can conduct correspondence as well as give orders with his name, has likewise a weight which an "attached" officer of equal rank does not possess. Now, the C.M.O. was usually a subaltern or captain; very rarely he was a major. He was always an "attached" officer, we believe, and never a "Staff" officer. The result was that he failed, far too often, to command proper weight when he gave advice. He was looked on as an instrument who would find the legal means of doing the things his G.O.C. wanted to do rather than a true legal adviser who would guide him along the paths which civilian legal experience shews are necessary to avoid injustice. Our correspondent meets all this by saying that the C.M.O. was not purposely put in a low rank, but retained at headquarters the substantive rank he had possessed in his regiment. No doubt he generally did so. But then his substantive rank in his regiment, in ninety-nine cases out of a thousand, was that of a subaltern or captain. Our complaint is that, in such cases, he was not given the higher acting rank necessary to the proper performance of his duties. Such acting rank was cheerfully and profusely given to journalists, stockbrokers, and architects who did Intelligence work or took charge of cemeteries in the field. We cannot understand why it was habitually refused to the second lieutenant selected because of his legal ability to do C.M.O. work on a brigade or divisional staff. Or, rather, we think we do understand. The C.M.O., being a lawyer, was regarded with some suspicion, as likely to prove a nuisance by insisting on civilian standards of evidence and justice. Therefore he was not encouraged by being given any avoidable promotion. With all deference to our correspondent, we are convinced that our view represents the military psychology on the point. But we agree that the matter is necessarily one of opinion.

The Independence of Court-Martial Officers.

OUR CORRESPONDENT'S second point concerns our criticism of the dependent position of the C.M.O. He is on the "discipline" staff, subject to the Chief Discipline Officer (usually a D.A.A.G.), the Chief of Staff, and the G.O.C. If any one of those three does not approve of him or his advice, it is comparatively easy to get rid of him. In the Army a G.O.C., or Commanding Officer, or the head of a department is "responsible" for his subordinates. Therefore he is necessarily allowed to get rid of any he cannot trust; to force him to retain inefficient men and take responsibility for their misdeeds would be obviously unfair. The result is that every subordinate is at the mercy of his chief's good opinion. No doubt there is little intentional oppression. But men are very apt to convince themselves that a subordinate who will not assist them to do irregular or unjust things is inefficient or otherwise undesirable. The result is that they are apt to get rid of him, whether by reporting him unfit to hold a commission or sending him home "on the unemployed list," or getting him transferred to some job no one wants, or sending him back to his regiment or unit in disgrace. This is probably an inevitable necessity in the case of all ordinary officers engaged in operations or movements and quarters or on discipline duties. But it is neither necessary nor desirable in the case of C.M.O.'s, who are there to protect the common soldier and junior officer against the dangers of injustice due to ignorance, prejudice, or bad service traditions. We therefore hold that the C.M.O. should be under nobody except the War Office. He should not be rendered dependent on his G.O.C. by being under his command and left to be the victim of his "confidential report." In fact, he should be given on his staff the status of a liaison officer, attached by one service to another. The liaison officer's independence does no harm. If he is a nuisance, the G.O.C. to whom he is attached can always complain of him, but as he is not responsible for him his complaints are not accepted as a matter of course; they must be proved. Our correspondent appears to have largely misconceived the point of all this criticism of ours, which we have now expressed at greater length than in our previous note, but on the same lines. He imagines that we object to the C.M.O. being subject to the Adjutant-General's branch of the Staff rather than on the General Staff or the Quartermaster-General's Staff. Really, we never suggested anything of the kind. The natural place for the C.M.O. is on the discipline side, namely, attached to the D.A.A.G.'s or the A.A.G.'s branch of the Staff. Our point is that he should be attached, not as a dependent member of that branch, but as an independent agent accredited by the War Office, *i.e.*, he should have a more or less analogous status to that of a liaison officer. We see no impossibility in this, and we believe it would do no harm whatever.

The Functions of the Court-Martial Officer.

BUT OUR correspondent has a real point of difference with us when we come to the functions of the C.M.O. His view apparently is that the C.M.O. is there to do merely formal

work, prepare the charges in correct form, draw up the orders convening and dissolving courts-martial, correct and revise the proceedings in accordance with the regulations and traditions which make erasures, initialling, red ink, and so on the burning questions, and render every President of a court-martial much more anxious to escape rebuke by getting his i's dotted and his t's crossed than by doing substantial justice. If the C.M.O. "interferes in matters of discipline," *i.e.*, tries to check irregularities or get justice done, to do away with the rather high-handed methods of military superior authorities in their habitual dealings with court-martials, he is an officious busybody who requires to be snubbed! In other words, the C.M.O. is a mere lawyer-tool who is to find convenient legal methods to enable the G.O.C.s to do the things (just or unjust) they wish to do! We are quite aware that this is the orthodox military view of the C.M.O.'s functions. But it certainly is not ours. We hold that the lawyer appointed a C.M.O. is there to see that the "principles of natural justice and equity" are done throughout his sphere of work, not merely to see that the routine of military law is carried out—a lawyer is not needed for the latter task. A C.M.O. ought to see that oppressive proceedings are not taken; that Presidents of Courts-Martial are not dictated to, directly or indirectly; that members of courts-martial who acquit prisoners are not punished by the disgrace of being put on court after court "for instruction only"; that the judge-advocate is not forced to discuss the case beforehand with the D.A.A.G., and other improper interferences with justice which are very apt to occur unless care is taken to prevent their occurrence. But as things stand, if he does this, he is very likely to get "transferred elsewhere," and our correspondent evidently approves of such disciplinary treatment meted out to the C.M.O. who "interferes with discipline." Well, that is a possible view of the C.M.O.'s functions. But if it is correct, the appointment of lawyers as C.M.O.s is a base betrayal of the poor soldier or junior officer who imagine that the lawyer is there to protect them; it seems to us a hypocrisy and a sham. But we do not hold this view, and we scarcely think that Mr. Justice DARLING'S Committee do so.

The Merits of the Court-Martial Officer.

LASTLY, OUR correspondent assures us that the C.M.O. is not a poor downtrodden creature, but that his lot is superior to that of the officer in the trenches. Really, we never intended to suggest that the C.M.O. was in any sense "downtrodden." Our point surely was that he is not given the status and the independence which makes it possible for him to do his work fearlessly and usefully in the interests of the weak whom he is there to protect. We personally are not out to get better rank and status for the C.M.O. from any personal consideration for him; we want it in order that his job can be done properly. As a matter of fact, the lawyer C.M.O. who was willing to take the orthodox military view of his position usually had an easy time. His work was very formal and not usually exacting—so long as he did not "interfere with discipline." He was personally popular with superiors so long as he did not cross them and was always ready to lend his wits and his legal ingenuity to get them out of a scrape. But the C.M.O. who tried to get justice done on civilian lines generally had a pretty rough time of it, if our information is correct. Of course, some fortunate few had ideal generals who accepted the civilian standard of justice and proof. But we feel that even the best military men are rather apt to regard the maintenance of discipline by traditional methods as more important than the duty *suum cuique tribuendi*. The C.M.O. is there to raise the military standard of justice and legality to the civilian level; and he who conscientiously attempts that task is not likely to be popular while the old spirit prevails.

Lawyers who have been Soldiers.

TURNING TO another subject, it is interesting to note that several great lawyers, famous for their love of liberty, spent some of their youth in the Army or Navy. ERSKINE is the classical instance. He began life as a midshipman. Then he became a subaltern in the Guards. It was not till he was eight-and-twenty that he came to the Bar. His first great case, it will be remembered, was the defence of Captain BAILLIE, Lieutenant-Governor of Greenwich Hospital, who was prosecuted on a charge of libelling Lord SANDWICH, the then First Lord of the Admiralty, by exposing the fearful corruption of the hospital under his régime. ERSKINE'S knowledge of Service conditions helped largely to win him success in that *cause célebré*. Readers of BOSWELL will remember how Dr. JOHNSON, sitting in a café, was much struck by the eloquence of a young Guardsman engaged in argument with his comrades, and sent to enquire his name; it was ERSKINE. To this day retired officers not infrequently get called at one of the four Inns of Court, but we believe that they rarely obtain much practice. They start too late in life. But the war may alter all that. The Temple has in it to-day many a young ex-officer who is seeking to enter the lists of the Bar. Will there be among them another ERSKINE?

Commencement of Acts of Parliament.

ONE OF the maxims of the common law is that the law takes no notice of the fractions of a day. As applied to the question of the actual time at which an Act of Parliament begins to be operative, this means that the Act comes into operation at the first moment of the day on which the Act is assented to. So far as statute law in England is concerned the only provision on the subject seems to be contained in the Acts of Parliament (Commencement) Act, 1793 (33 Geo. 3, c. 13), whose full title is "An Act to prevent Acts of Parliament from taking effect from a time prior to the passing thereof." This statute abrogated the common law rule under which, as recited in the Act of 1793, "every Act of Parliament, in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the session of Parliament in which such Act is passed." In place of the old common law rule it was enacted that "the Clerk of the Parliaments shall indorse (*in English*) on every Act of Parliament . . . the day, month, and year when the same shall have passed and shall have received the Royal Assent, and such indorsement shall be taken to be a part of such Act, and to be the date of its commencement where no other commencement shall be therein provided." It was laid down in *Tomlinson* v. *Bullock* (1879, 4 Q. B. D. 230) that the only point of time made material by this Act is the day of the Royal Assent, and that this is a recognition of the maxim as to fractions of a day above referred to. But the judgment (of MELLOR and LUSH, JJ.) goes on to observe that the "universal rule—an Act . . . becomes law as soon as the day commences," only holds "except where there are conflicting rights between subject and subject, for the determination of which it is necessary to ascertain the actual priority." And further on it is said that a fiction of law—by which is meant the "universal rule" mentioned above—is not to prevail against the plain intent of an Act. This "universal rule" seems, therefore, after all, to be merely a strong presumption that can with no great difficulty be rebutted.

Commencement of Taxing Acts.

IN THE above-cited case of *Tomlinson* v. *Bullock* it is said to be permissible to ascertain the "actual priority" of events where "conflicting rights between subject and subject" are concerned. Will, then, the "universal rule" admit of no exception where the rights of the Crown are concerned? If a taxing Act is assented to at ten o'clock in the forenoon, imposing a tax in respect of persons dying "after the passing of the Act," and A. B. dies at eight o'clock—two hours before the Royal Assent is given—is A. B. or his estate affected by the Act? It is believed that the view generally taken is that A. B. would be within the scope of the Act, assented to on the day of his death, though at a later hour than that of his actual death. But why should a mere "fiction of law" be regarded in favour of the Crown any more than in favour of a subject, when the "actual priority" of the relevant and competing events can be ascertained? The case just put, of a person dying at eight o'clock and an Act being assented to at ten o'clock, seems not to have arisen in the English courts. Such

a case did, however, come up for decision in Australia a few years ago: *Re Flavel* (1916, South Aust. L. R. 47). A federal Act, the Estate Duty Assessment Act, 1914, imposed a duty on "estates of persons dying after the commencement of this Act." The Act was assented to after 10 a.m. on the 21st December, 1914. The deceased died before 8 a.m. on the same day. The question was whether the estate of the deceased was liable for duty as the estate of a person who had died "after the commencement of" the Act. The Supreme Court of South Australia held that the estate was liable for duty, and that (following *Tomlinson* v. *Bullock* (*supra*)) the Act came into operation on the first moment of 21st December, and so before the death of deceased. It is submitted that regard might well have been paid to the actual hours of the death and the Royal Assent, since these were not in doubt, notwithstanding that no competing rights between "subject and subject" were involved.

Commencement of Act on Particular Day.

In *Tomlinson* v. *Bullock* and in *Re Flavel* the statutes under consideration contained no clause fixing a particular day for the Act to come into operation. Where there is such a clause the difficulty dealt with in those cases will not arise. By section 36 (2) of the Interpretation Act, 1889 (and there is a similar enactment in Australia), where an Act "is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day." Occasionally an enactment of this kind is placed in a statute where part only of the statute is brought into operation on a particular day, and so it might be doubtful whether the Interpretation Act, 1889, applied. An example is to be found in the Finance Act, 1894, section 24 of which enacts that Part I. of the Act "shall come into operation on the expiration of the first day of August, 1894," *i.e.*, at the first moment of 2nd August. Where a particular day is thus fixed the statute law makes a hard and fast rule, and there is no more room for the common law maxim or fiction of law.

Non-Registration of Documents as Negligence.

The recent case of *Fletcher* v. *Jubb* (*Times*, 22nd October, 1919) has drawn attention to the question of the liability of solicitors for negligence in the exercise of their professional employment. Actions for this sort of negligence are rare, and the majority of the reported cases relate to negligence in the conduct of litigation, and there are few relating to negligence in conveyancing. It is proposed here to make some observations on one subject only, forming a very small part of the field of conveyancing—the omission to register documents that ought to be, or might be, registered.

There does not appear to be any reported case in England where a solicitor has been sued for negligence in failing to register a document and thereby causing loss to his client. The nearest analogy is constituted by cases of omission to make proper searches, though in *Hunter* v. *Caldwell* (1847, 10 Q. B. 81) a solicitor (or attorney in those days) was held liable in damages to his client for not filing and recording a writ in continuance of a previous writ, so as to keep the right of action alive, under 2 & 3 Will. 4, c. 39, s. 10 (as to which see now R.S.C., ord. 8, r. 1).

With respect to searches, the following passage occurs in Dart's "Vendors and Purchasers" (7th ed., 1905), 1197. "A solicitor is said to be liable to his client for any loss occasioned by his omission to make any one of the searches which may by possibility disclose matter affecting the title, and he would certainly be held liable for omitting to require the official searches to be made." Reference may also be made to Beven's "Negligence in Law" (3rd ed., 1908), 1192-1194. Among the cases cited in these two text-books is *Cooper* v. *Stephenson* (1852, 21 L. J. Q. B. 292). In that case a solicitor was employed to prepare a mortgage from his client's debtor. He took some steps to inquire whether the mortgagor had ever been insolvent, but omitted to have a proper search made. It turned out that the mortgagor had been insolvent. The omission to have a proper search made was held to be evidence of negligence on the part of the solicitor for which he was answerable to his client. The general principle in all such cases is that it is always a question of fact whether such and such conduct is negligence under all the circumstances, having regard to the usual course of practice among professional men.

This same general principle would, it is conceived, apply to cases of omission to register. Some special considerations applicable would be the nature of the transaction—whether a sale and purchase or merely a temporary loan transaction—and the nature of the register—for instance, registration under the Land Transfer Acts might be more imperatively necessary than registration in the Middlesex deeds registry. So with other registers—under the Companies Acts, Bills of Sale Acts, &c. In the event of registration of a document or transaction not being effected, and of loss thereby resulting to the client, it would seem that the solicitor responsible for the omission to register could hardly fail to be answerable in damages unless he could shew that registration was not a precaution that would usually under the circumstances have been adopted.

In the absence of any illustration from the English reports it may be permissible to refer to an unreported case that occurred a few years ago in Jamaica: *Alexander* v. *Simpson* (1903). Defendant was employed by plaintiff to prepare and complete a mortgage over a piece of land for £35 at a high rate of interest—120 per cent. per annum—from the owner to the plaintiff. The land was registered land under a statute modelled on the Australian Torrens statutes, and these statutes contemplate registration of all mortgages. The mortgage was executed on 17th December, and was in the statutory form provided for by the registration statute. The defendant took no steps to register the mortgage until 27th December, and on applying at the registry registration was refused on the ground that the trustee in bankruptcy of the mortgagor (whose bankruptcy had taken place in 1895) had, on the 24th December, been registered as owner under the provisions of the registration and bankruptcy statutes. The plaintiff therefore lost his security, and he sought to recover from the defendant the amount of the loan made to the mortgagor, on the footing of the loss having been caused by the defendant's negligence in not registering the mortgage before 24th December. The trial judge found in favour of the plaintiff, and this was upheld on appeal. The court held that the mortgage, if registered before 24th December, would have taken priority of the trustee in bankruptcy, and would have been a valid first mortgage over the land, that the duty of the defendant was to register the mortgage promptly, and not wait ten days before attempting to do so, and that this omission to register was actionable negligence. Defendant was therefore held liable for the amount of the plaintiff's loss. The judges differed as to the failure to search for bankruptcies against the mortgagor being also negligence. The Chief Justice thought the case was covered by *Hunter* v. *Caldwell* (*supra*).

That, however, it is not always negligence to allow a mortgage—even of registered land—to remain unregistered is shewn by an Australian case; see *Austin* v. *Austin* (1905, 3 Comm. L. R. 516). The point only arose incidentally, but it was said by the High Court of Australia that under the circumstances disclosed there was no want of ordinary prudence in not having the mortgage registered.

It is perhaps as well to point out that, in order to fix a solicitor with liability for failure to register a document, the loss suffered by the client need not have been the direct result of the non-registration. In other words, the defendant might be liable even if his conduct were not the proximate cause of the loss, but only contributed to it. This seems to be borne out by the cases of *Cooper* v. *Stephenson* and *Austin* v. *Austin* (*supra*).

Is an Administrator a Trustee of an Infant's Share of the Intestate's Estate?

It may be cause of the ready facilities of discharge afforded by the Trustee Act, 1893, that the question has never been determined, at any rate in any reported case, whether an administrator can, in effect, constitute himself and others trustees of the share of an infant next of kin in the estate of an intestate. Has the Court under section 25 of the Trustee Act, 1893, power to appoint new trustees of such property held for infants? I suppose the administrator does not wish to pay the share into Court and wishes to avoid the necessity of formal applications to the Court for maintenance. Can he apply for the appointment of new trustees under section 25? The Court, of course, might refuse to make any such appointment, but suppose the Court to be prepared to entertain the application and to appoint new trustees, has it the necessary jurisdiction to do so?

It is certainly strange that no reported case deals with the point with any sufficient cogency to allow of the practitioner deciding one way or the other. That an executor who has cleared the estate and holds a legacy or share of residue for an infant, becomes thenceforth a trustee seems tolerably clear. The case of *Re Smith, Henderson-Roe* v. *Hitchens* (42 Ch. D. 302) would seem sufficient authority for that proposition. That the quondam executor is a trustee within the meaning of section 43 of the Conveyancing Act, 1881, is also clear from that and other cases. But there is a distinction between an executor and an administrator. What trusts have to be performed by an administrator who merely holds the property because he cannot obtain a receipt from the infant? He really holds the property for his own protection, because he cannot obtain a valid discharge.

The point may be argued with equal satisfaction on either side. The administrator has sworn to administer the estate according to law. He has given a bond to the effect that he will well and truly administer. He may be said to be under a statutory obligation to distribute. There is no complete distribution till he has paid over the property into the hands of all the next of kin, retaining, of course, his own share. Moreover, section 25 expressly prevents the Court from appointing an administrator. Until the infant has received his share, the administrator continues to be an administrator; and anyone appointed to act as trustee would only be for the purpose of paying over in due course the share to the infant on the latter's attaining his majority. That is what the Legislature has expressly prohibited by section 25. Such are the arguments on the one side.

Now let us consider the arguments on the other side. Kekewich, J., in *Re Adams* (1906, W.N. 220) held that an administrator with the will annexed is a trustee within the meaning of section 43 of the Conveyancing Act, 1881, as regards the share of an infant next of kin. His lordship is reported to have said that any man who holds the property of an infant is a trustee within the meaning of that section. If, then, the administrator can be a trustee within the meaning of section 43 of that Act, why is he not a trustee within the meaning of the Trustee Act, 1898? Moreover, by section 50 of the last-mentioned Act "trust" and "trustee" as used in the Act in effect apply to constructive and implied trusts and to the duties incident to the office of a legal personal representative, which, of course, includes an ordinary administrator. As to the point about the statutory obligation to distribute, this involves a consideration of the Statute of Distributions, which will result in this conclusion, that, far from there being a statutory obligation on the administrator to distribute, the statute relies on the efficacy of the bond to cause the administrator to distribute. There is a highly instructive judgment on record dealing with the occasion for the Statute of Distributions. It is the judgment of Lord Chief Justice North in *Carter* v. *Crawley*, in Sir T. Raymond's reports, 496, and the history of the whole matter is set out at considerable length. In the light of that judgment the Statute takes on a very different aspect from that which would attribute to the Statute a complete and new definition of all the next of kin classes. For many years then past the next of kin classes has been cast and recognized by the Spiritual Courts. Although, no doubt, the Act in some respects particularizes as to the classes and priorities of the next of kin, yet a perusal of the Act in the light of the judgment just mentioned shews that the Legislature relied on the definitions and rules of the Spiritual Courts to supplement the provisions of the Statute. The real effect was not primarily to define the classes of the next of kin, but to give the next of kin a title and the means of enforcing distribution on that title. But such enforcement was worked by an adoption of the bond principle, made, for the first time, a really effective weapon for enforcing distributions. That was done by making the bonds pleadable in any Court. By the Act the distribution was to be amongst the next of kin, *and not otherwise*. So the next of kin were given a statutory title. The bonds being made pleadable in any Court, the bonds became effective weapons, for the first time. Heretofore the King's Courts had refused to recognize the jurisdiction of the Spiritual Courts to entertain suits for the enforcement of the bonds, and would even issue prohibitions against any such proceedings. Moreover, the King's Courts refused to entertain actions on the bonds, because they denied to the Spiritual Courts jurisdiction to take the bonds. As the next of kin could not enforce the bonds, the administration was not effectively provided for. The courts of common law held that there was no jurisdiction at law in any Court to compel the administrator to distribute, as a matter of law, amongst the next of kin.

From this it seems to follow that when the Statute of Distributions enables the ordinaries and judges to compel administrators to pay the surplusage, and requires the administrators to distribute the whole surplusage, and requires one moiety of the estate (in certain circumstances) "to be allotted to the wife," and the estate "to be distributed equally to" the next of kin, and generally distributions to be as provided by the Act, "and not otherwise," nothing more is intended than that these next of kin are to have as of right a share in the estate. If this view be right, then when the administrator holds a share of an infant next of kin, awaiting the latter's majority, there is nothing in the Statute of Distributions to prevent his being a trustee. He is either a constructive or an implied trustee, because he holds something belonging to another—belonging to that other because of the Statute of Distributions.

Of these two opposing arguments, the latter seems the most convincing.

Norman Craig.

An Appreciation.

(Communicated.)

Norman Craig was called to the Bar by the Society of the Inner Temple in 1892, and became King's Counsel in 1909. At the beginning of this year he was made a Bencher of his Inn.

Few men have had a larger or a finer junior practice than his was at the time when he applied for silk; but within the Bar he did not fare so well. His first four years were disappointing. It was not until 1914 that he shewed signs of getting back into big work; and then came the War, whereupon Craig, though forty-six and a Member of Parliament, abandoned the Bar for mine-sweeping. For a few weeks, until he could find something more dangerous, he had been content to drive a lorry for the War Office; but in October, 1914, he received a commission in the R.N.R., and was sent away on a yacht to do a little mine-sweeping. Later on the Admiralty sent him to Stornoway, where he became Chief of Staff to the Admiral in charge of the Yacht Patrol, and when, after many months the strain and exposure had proved over much for the ex-civilian of forty-nine, he took a few weeks' sick leave and then went as Naval Intelligence Officer to Falmouth. In the following year, when unlimited U-boat warfare had reduced the amount of work to be done at Falmouth, he was placed at the Hotel Cecil as Admiralty Liaison Officer with

the Air Ministry. This post he held till the autumn of last year, when he was dispatched in a semi-official capacity to Spitzbergen. From that expedition he returned in time for the General Election of 1918.

More than one new client came to his chambers whilst he was away, but the clerk's orders were categorical: to refuse everything until the War was over. Not until February of this year was CRAIG demobilised, and thus had been back at work for only a working month or so when, on the 14th October, four days after an operation, he died from heart failure. At the time of his death he was briefed to appear in several actions, and had advised, or been retained, in a number of important commercial cases.

It is idle now to speculate on what might have happened, if he had lived. All that can be said for certain is that during his first five years within the Bar, something was lacking to make a successful Silk out of one of the most successful juniors of his day. Perhaps his very success as a junior handicapped him as a King's Counsel. CRAIG had been admittedly a remarkable pleader—some thought the best of his day. Moreover, his practice had been of such a kind, at any rate from 1905 to 1909, that he was commonly led by one King's Counsel, and not infrequently by two; "with you Sir EDWARD CARSON and Mr. DUKE," "with you Mr. RUFUS ISAACS and Mr. ELDON BANKES," or some such marking, was what would not uncommonly appear on CRAIG's brief in any case that was at all likely to attract public attention. In this way, partly because he was so good at pleading and in Chambers, and partly because in big cases he seldom had occasion to address the jury, many assumed that he was possessed of a junior's equipment only. Yet in point of fact he was an extremely skilful cross-examiner of what he used to call the "wheedling type," and, though no orator, a most effective advocate; he was the plain man that many juries like.

Direct, sometimes almost painfully direct, he was at his best before such judges as Lord MERSEY and Lord MOULTON. DANCKWERTS he delighted in, whether as leader or opponent. Once in a case in the Court of Appeal when DANCKWERTS and CRAIG were on the same side, a pupil of CRAIG's began to take a note of a considered judgment that one of the Lord Justices was reading. This particular Lord Justice was nearing the end of a remarkable career, and though his mind was as vigorous as ever, his voice had grown a little weak. DANCKWERTS, with hand to ear, tried vainly to catch the opening words of the judgment. Then abruptly turning round and darting a glance of purple wrath at CRAIG, he said: "Look here, my boy, either you get the old man on the bench to talk up, or the young fool beside you to stop scratching with a quill pen, for I'll be d——d if I can listen to them both!" CRAIG was delighted. It was rather in his own vein.

His ready humour, so pungent in quality, enabled him to apply something that was really very like an "acid test" to the argument of an opponent. In the days when he was still a junior there was a certain silk whose art was such that he suffered no argument, however bald by nature, to leave him wholly unadorned by principle. One day this bland and dangerous opponent, for whom CRAIG had the greatest admiration and affection, seemed likely to persuade the Court of Appeal that some directors had acted quite properly in paying themselves fees as trustees for debenture-holders, although the trust-deed by which they sought to justify their action was only in draft and had never been executed. "Of course," said their counsel, "the deed was never executed. But then it *should* have been. And as equity regards as done that which ought to have been done, why should the trustees not remunerate themselves as the deed requires?" The Court for a moment seemed taken with the argument. Then CRAIG, leaning over to his leader (now, like his opponent, on the Bench), said in an audible whisper: "Our learned friend has discovered a creature hitherto unknown to the law: a draft trustee!"

Many were the good things that CRAIG was heard to say in Court and elsewhere, and they were all the better for being obviously unprepared. One happy thrust was delivered from the bar of the House of Lords in the course of a case which at one time seemed likely to involve a verdict by a "jury in Middlesex" on questions of High Imperial Policy. CRAIG was appearing, led by the present Lord Chief Justice, for a Member of Parliament who had spoken of a certain City firm as "thieves and swindlers." The M.P. had justified; and had delivered particulars alleging conduct which, whatever else might be said of it, fell manifestly short of crime. Some of the particulars had been struck out as irrelevant, and it was in the hope of establishing the relevance of what had been struck out that the defendant was appealing. Amongst the Lords sitting to hear the appeal of the M.P. who had called the plaintiff merchants "thieves and swindlers" there sat a Law Lord who in the course of a then recent case had spoken of a company promoter as a "robber," albeit the "robber" was not alleged to have committed any crime. During the argument in the M.P.'s slander action it was suggested from the Woolsack that to justify the words "thieves and swindlers" a defendant must prove crime, failing which no verdict in his favour on justification could be allowed to stand. As a matter of fact both the noble lord on the Woolsack and the Law Lord already referred to were among those that CRAIG's pupils were taught to regard as "Daniels"; but here was an opportunity that neither of them could expect him to resist! So, as soon as he was on his feet, CRAIG addressed himself to the suggestion from the Woolsack, and, with a sidelong glance at him who had called a company promoter a "robber," observed that to one of their lordships, at any rate, the Lord Chancellor's *dictum* must have appeared strange and disconcerting!

Whilst for reasons that have already been indicated CRAIG rarely, in his later years as a junior, had occasion to address juries, he would not infrequently follow his leaders on points of law. Never traversing the ground that they had covered, his few sharp, short points vigorously taken, were most effective. "They have had three hours of my milk and water," said one of his leaders in a case before the House over which he was later to preside; "and now I think it will be good for them to have a little of CRAIG's brandy and soda."

Hodson v. *Heuland* (reported in 1896, 2 Ch. D.) seems to be the earliest authority that CRAIG appeared in; *Pate* v. *Pate* (1915, A. C.), argued before the Judicial Committee of the Privy Council by "Sir ERLE RICHARDS, K.C., for NORMAN CRAIG, K.C., serving with H.M. Forces," is probably the last. Between 1896 and 1915 his name is to be found frequently in the reports in connection with such cases as *Jones* v. *Hulton*, *Hunt* v. *The Star Newspaper Co.*, *Cutler* v. *Bank of England*, *Hillier* v. *St. Bartholomew's Hospital*, *Oppenheimer* v. *Frazer & Wyatt*. Of interlocutory appeals in particular he certainly had his share; *White* v. *The Credit Reform*, *Jones* v. *The Great Central Railway*, *Digby* v. *The Financial News* (*Limited*), *Hooten* v. *Dalby*, are familiar to every student of the White Book. Unfortunately—because it would have been a precedent probably unique since the Judicature Acts—there is nothing beyond a newspaper report of the interlocutory proceedings which led the Court of Appeal in *Cadbury Bros.* v. *The Standard Newspapers* (*Limited*) to allow a plaintiff in libel to deliver a reply dealing with the defendant's particulars of justification.

Of his pleading CRAIG was certainly proud; for he had been a pupil of Master WILLES CHITTY, and regarded himself as one who had acquired at the source a great art that was in danger of being lost. Of "cases," CRAIG always professed to know nothing. "I know a little business," he would say, "and something of the general principles of law, but what is the use of having all those d——d books, if I've got to carry the cases in my head?" Those who saw him at work knew that his knowledge of case law was far from negligible, but the fact that it was not phenomenal may be one of the reasons why, in days when Principle was in danger of suffering interment beneath Authority, CRAIG's opinions were generally as sound as they were invariably uncompromising.

His manner of receiving anyone who thought of becoming his pupil was entirely characteristic. Indicating with the inevitable cigarette the rack on which he kept his papers, he would say: "If you are prepared to read what you will find up there, you may learn *something*; but if you are under the impression that I shall teach you *anything*, you had very much better go elsewhere." It is perhaps needless to say that if the applicant persisted and afterwards shewed any inclination for work, he found in CRAIG the most competent and original of teachers, as well as the kindest of friends. Two things only no pupil—and for that matter no "devil"—was ever allowed to do: to prepare CRAIG's pleadings, or to smoke in his smoke-laden room!

This is not the place to tell of CRAIG's unobtrusive but useful work in Parliament, or of his interest in every form of sport; nor can one here do justice to his very considerable attainments as a scholar. It must suffice that in these two last, as in other respects, he was well equipped to make life pleasant for himself and others. To the friends who mourn his loss, it is some consolation to reflect that the closing year of his strenuous life was the happiest. He was married about a year before he died. That CRAIG was without faults none of his friends would say, for they know how all that smacked of false sentiment displeased him. But all who knew him will remember NORMAN CRAIG for what he really was—a fearless, outspoken, high-minded man, whose friendship was a privilege, and whose memory will be an inspiration.

H. C. M.

George Smith, nineteen, and Henry Robins, twenty-four, engineers, were sentenced at Wood Green Police Court on Saturday to three months' imprisonment on a charge of receiving a motor-bicycle, valued at £70, which had been stolen from a garage at Palmer's Green.

Correspondence

Legal Advisers at Court Martials.

[To the Editor of the Solicitors' Journal and Weekly Reporter.]

Sir,—I have never been a court-martial officer, though I had considerable experience both of the conduct of courts martial, and the review of court-martial proceedings during the war. I ask, therefore, to be allowed to correct some of the statements in the second paragraph of the "Current Topics" in your issue of to-day, as follows:—

1. A court-martial officer, as a rule, held his substantive rank, whatever it might be. He was not given a low rank of malice prepense.

2. A C.M.O. was attached to the Adjutant-General's (or "discipline") branch of the Staff, because that branch is responsible for courts martial. He would have been no happier if he had been attached to the General Staff, which deals with military operations, or to the Quartermaster-General's branch, which deals with supplies and transport.

3 I must, with full knowledge, protest against the suggestion that C.M.O's. who did not see eye to eye with their superior officers on matters of discipline were sometimes so adversely reported on as to lose their commissions. The C.M.O's views on discipline were not invited; he was there to advise on matters of law. I can well imagine that a C.M.O. who argued on things which did not concern him with a G.O.C. would soon lose his job; but that is not the same thing as losing one's commission.

4. Has the writer of your note really considered the effect of making a C.M.O. unamenable to the "discipline" (*i.e.*, the authority) of his G.O.C.? The idea raises fascinating possibilities. You can't win a campaign on military law alone.

Seriously, I can assure you that the C.M.O. was not, during the war, the down-trodden creature whom you describe. Quite a lot of people had far worse jobs in, and out of, the line.

J. C. B. GAMLEN.

6th December, 1919.

[See "Current Topics."—ED. *S. J.*]

CASES OF THE WEEK.

Court of Appeal.

HEMMINGS AND WIFE *v.* STOKE POGES GOLF CLUB AND ANOTHER. No. 2 27th October; 21st November.

FORCIBLE ENTRY—MASTER AND SERVANT—COTTAGE OCCUPIED BY CADDIE MASTER—TERMINATION OF SERVICE—RIGHT TO POSSESSION—INJURY TO FURNITURE—ALLEGED INDEPENDENT WRONG—"DAMAGES"—5 RICH. 2, STAT. 1, C. 7.

Damages cannot be recovered against a rightful owner for a forcible entry, as the statute of 5 Rich. 2, stat. 1, c. 7, only makes it an indictable offence, and does not create any civil remedy for it.

Beddall *v.* Maitland (*17 Ch. Div.* 174) *approved and followed.*

Decision of Peterson, J. (35 T. L. R. 549), *reversed.*

Appeal by the defendants from a judgment of Peterson, J., sitting as an additional Judge of the King's Bench Division, in an action brought by the plaintiff and his wife against the Stoke Poges Golf Club and Mr. Lane Jackson, the governing director of the club, for assault. Hemmings, in order to better carry out his duties as assistant caddie master, was given this cottage to live in. He attested under the Derby scheme, and was required to do work of national importance, and was given notice that the cottage would be required for the man engaged to take his place. He declined to move out until he could find another cottage. The defendants instructed a man to eject the plaintiffs. Mrs. Hemmings went out voluntarily, and the furniture was removed to the garage. Peterson, J., found that the occupation of the cottage was for service, and that Hemmings was not there as tenant, that no unnecessary force was used to eject the plaintiffs; but, following certain decisions under the Punishment for Forcible Entry Act, 1381, he held that for an independent wrong, such as an assault or an injury to furniture which was committed in the course of the forcible entry, damages could be recovered even by a person whose possession was wrongful, for the statute made the entry obtained by force unlawful even when it was obtained by the rightful owner. Accordingly he entered judgment for the plaintiffs, with £20 damages. The defendants appealed. During the argument counsel for the appellants said he should not contend that the entry was not forcible, because it was desired to get the opinion of the Court upon the statute of 1381. The appellants throughout rested their case upon the decision of Fry, J., in *Beddall* v. *Maitland* (17 Ch. Div. 174), where he held, contrary to the strongly expressed views of the judges in several of the other cases, that, though force was used in the entry, the statute of Rich. II. created it a crime, and gave no civil remedy.

THE COURT, having taken time, gave judgment allowing the appeal.

BANKES, L.J., after stating the facts, said that Peterson, J., had he not considered himself bound by authority, would have held that the action was not maintainable. Whether the entry was "forcible" had not been argued or considered, as the appellants desired that the Court would deal with the point of law raised on the footing that in fact the entry had been forcible. Therefore, on that point he expressed no opinion, except to indicate that in considering what might amount to a forcible entry a distinction had apparently always been drawn between the case of a person who occupied premises by virtue of his employment as a servant and one who occupied as a tenant. Peterson, J., decided in the plaintiffs' favour on the authority of certain decisions which proceeded on the view that a person who assaults another, however trivial that assault might be, must justify his action or be liable at common law to pay damages, and that although an assault where no more force was used than was necessary might be justified where it was in defence of property, it could not be justified if the possession in defence of which the assault was committed had been obtained by a forcible entry: see dissenting judgment of Coltman, J., in *Newton* v. *Harland* (1 Scott New Rep. 474). He thought that the Court should say definitely that it did not agree with the view of the majority of the Court in *Newton* v. *Harland*, and similar decisions, but with the decision of Fry, J., in *Beddall* v. *Maitland*. For these reasons the appeal must be allowed.

SCRUTTON, L.J., and DUKE, P., gave judgment to the like effect. The appeal entered for the plaintiffs at the trial was therefore set aside, and judgment entered for the defendants with costs.—COUNSEL, for the appellants, *Warrington-Ward*, K.C., and *H. du Parcq*; for the respondents, *Rigby Swift*, K.C., and *Hon. S. O. Henn Collins*. SOLICITORS, *Torr & Co.*, for *H. H. Ryland*, Windsor, *Edwin Herrin*.

[Reported by ERSKINE REID, Barrister-at-Law.]

High Court—Chancery Division.

HAMMOND *v.* PRENTICE BROTHERS (LIM.). Eve, J. 26th November.

TOLLS—BRIDGE—TITLE OF COMPANY—REGISTRATION—CERTIFICATE—GRANT OF WAY FREE OF TOLL—"SERVANTS, CUSTOMERS AND WORKMEN"—LICENSEE.

In 1859 a grant of way over a bridge free of toll was made to the defendants' predecessors in title their "servants, customers and workmen." In this action the plaintiff claimed a declaration that the defendants had no right to license a person to pass to and from the defendants' premises over the bridge without paying toll.

Held, that the plaintiff was not entitled to the declaration he claimed.

In 1889 the defendant company was registered under Part VII. of the Companies Act, 1862. The plaintiff contended that it was not capable of being so registered.

Held, that the certificate of incorporation was conclusive, and the plaintiff could not go behind it.

The plaintiff was owner of a bridge over a river and of the right to collect tolls, and also of a road over which anyone crossing the bridge must pass to reach the defendants' premises, where they carried on the business of artificial manure manufacturers. The defendant Utting was the owner of several carts and horses, and for many years had carted goods to and from the defendant company's premises over the bridge. In this action the plaintiff claimed a declaration that the defendant company had no right to licence Utting to pass to and from their premises over the bridge without paying toll. The defendants relied on a grant to their predecessors of a full right of way over the bridge free of toll.

EVE, J.—Before examining the grant, I will deal with the argument impeaching the defendant company's title, which is of this nature. For many years prior to April, 1889, the land in question was vested in Baly & Sutton, carrying on business in partnership. On 5th April, 1889, a company or partnership was formed by articles of association between Baly & Sutton and ten other persons with the object of acquiring the business, and amongst the assets to be brought in was the land in question, which was duly conveyed to the company or partnership. The company was registered on 26th April, 1889, and a certificate of incorporation was given by the registrar. It is contended by the plaintiff, on the strength of some observations in *Reg.* v. *Registrar of Joint Stock Companies* (1891, 2 Q. B 598), that even if the partnership created by the articles were a company within section 180 of the Act of 1862, it was not capable of being registered under Part VII. of that Act, that the registration was a nullity, and that the land was never vested in the company, who consequently never acquired any title to it. Reliance was placed on the concluding sentences of the judgments of Lindley, L.J., and Fry, L.J. The truth is that the language of the Lord Justices must be read in the light of the case they had to deal with, and their minds were not directed towards the position of a partnership formed for the purpose of registration, and actually registered under Part VII. In my opinion, the certificate of incorporation given to the company under section 192 of the Act of 1862 is conclusive evidence that the company was authorized to be registered under Part VII., and I am satisfied that it is not now open to the plaintiff to go behind the certificate. I think the judgment of Lindley, L.J., in *Re*

George Newman & Co. (1895, 1 Ch. 674), and, in particular, the passage on p. 685, is inconsistent with the suggestion that his language in the earlier case is capable of the interpretation sought to be put upon it by the plaintiff. The defendant company has, therefore, proved a freehold title to the land and the easements granted therewith. This brings me to the construction of the grant. It is a grant to the grantees, their heirs and assigns, and their servants, customers and workmen, of full liberty for all purposes to pass and repass along and over the said road and bridge toll free. The question is whether the grant extends to licensees, or is it limited to the classes of persons specifically mentioned. Does the addition of the words, "servants, customers and workmen," so restrict the grant to the grantee, his heirs and assigns, as to exclude licensees of the grantee from using the way for the purpose of approaching and leaving the dominant tenement? The question must, I think, be framed in this manner, as there is authority for saying that a grant to "A. B., his heirs and assigns" would include A. B.'s licensees (see *Metcalfe* v. *Westaway*, 34 L. J. C. P. 113), and the added words must, therefore, either operate by way of restriction, or be surplusage. A perusal of the precedents in the text-books discloses a great variety in the selection of the words added to the usual words of limitation, and it is not difficult to suggest instances in which many of these precedents fall short of giving the grantee all that is reasonably requisite for the enjoyment of the dominant tenement if the added words are to be construed as restrictive and definitive of the persons entitled to pass to and fro over the servient to the dominant tenement. Parties may, of course, so frame the grant as to demonstrate their intention that it is to be limited in its application to particular objects, but when the grant is in general terms, and there are no circumstances, and nothing in the grant itself, sufficient to point in an opposite direction, I think the proper inference is that the words are not intended to be read as exhaustive, but rather as illustrative of the individuals entitled to use the way. After all, the grant is appurtenant to the dominant tenement, and ought to be so construed as to secure to the grantee all that is necessary for the reasonable enjoyment of the dominant tenement, and I think the case of *Baxendale* v. *North Lambeth Liberal Club* (1902. 2 Ch. 427) is a sufficient authority for this proposition. I hold, therefore, that the plaintiff is not entitled to the declaration he claims, and I dismiss the action with costs.—COUNSEL, *Courthope Wilson*, K.C., and *Baden Fuller*; *Maugham*, K.C., and *Ashworth James*. SOLICITORS, *Torr & Co.*, for *Ferrier & Ferrier*, Great Yarmouth; *Tamplin, Taylor, & Joseph*, for *Gudgeons, Peecock, & Prentice*, Ipswich.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

High Court—King's Bench Division.

REX *v.* **MANCHESTER PROFITEERING COMMITTEE.** *Ex parte* **LANCASHIRE AND YORKSHIRE RAILWAY CO.** Div. Court 1st December.

PROFITEERING COMMITTEE—JURISDICTION—"ARTICLE"—SALE—RESTAURANT—"MEAL"—ORDER TO COOK AND SUPPLY SAUSAGES—"READY COOKED OR PREPARED FOOD"—PROFITEERING ACT, 1919 (9 & 10 GEO. 5, C. 66), S. 1—ORDER OF BOARD OF TRADE, 1919, SCHED. II.

A party of people gave an order in a restaurant for the cooking and supply of sausages, as well as the supply of other items of food specifically mentioned in the Schedule to the Profiteering Act, 1919. The bill was made out separately charging the various articles supplied, and the party, considering they were overcharged, made a complaint to a Profiteering Committee.

Held, that there had been a sale of some articles specifically mentioned in the schedule, and of the sausages which came under the description of "ready cooked or prepared food," and this was sufficient to give the Committee jurisdiction to entertain the complaint, although all the articles supplied might not come within the schedule.

Rule *nisi* for prohibition to the Manchester Profiteering Committee. The Lancashire and Yorkshire Railway Co. have a restaurant, or first-class refreshment and grill room, in connection with their Victoria Station, Manchester, which belongs to that company. In October, 1919, a party of four people went to this refreshment and grill room. They gave an order to the waiter for a meal, which consisted of seven sausages, chipped potatoes, four pieces of dry bread, half a dozen small cakes, and a pot of tea. This order the waiter passed on to the cooks, who specially cooked and prepared the meal thus ordered by and for the party. No part of the food supplied was ready cooked, with the exception of the bread and the cakes, which were ready cooked or baked. The charge made for this meal was 12s. 1d., and it was made up of the following items, which were set down on the bill:—Grill, 6s.; vegetables, 2s.; sweets, 1s. 9d.; cheese, 4d.; afternoon tea, 2s. A complaint was made to the Manchester Profiteering Committee that the charge for this meal was excessive, and the Committee served a notice upon the railway company to appear before them to answer the complaint. The company thereupon applied for a rule *nisi* directed to the Committee to prohibit the Committee from proceeding with the hearing of the complaint, on the ground that the articles mentioned in the complaint as having been served to the complainants did not, as a whole, come within Schedule II. of the Order of the Board of Trade dated 11th September, 1919, while the six small cakes were not separately complained of. The Profiteering Act, 1919, s. 1, sub-section (1), provides that the Board of Trade shall have power, in respect of any article to which the Act applies, (b) to receive and investigate complaints that a profit is being made or has been, since the passing of the Act, made or sought on the sale of articles . . . which is, in view of all the circumstances, unreasonable. On any such complaint they may, after giving the parties an opportunity of being heard, either dismiss the complaint, or (i.) declare the price which would yield a reasonable profit; and (ii.) require the seller to repay to the complainant any amount paid by him in excess of such price. Section 2 authorizes the Board of Trade to delegate their powers to local committees. An Order of the Board of Trade dated 11th September, 1919, applied the Profiteering Act to various articles and classes of enumerated articles. By the second schedule of this Order a number of articles of food were brought within the Act, as well as "ready cooked or prepared food," and "fresh vegetables (except onions)." On the argument on the rule *nisi* it was contended for the Committee that the charge was not for a meal as a whole, but for a number of articles separately supplied, and these articles were within the Act, therefore prohibition would not lie, even though others of the articles were not within the Act. The railway company contended that the charge of 12s. 1d. was for the meal as a whole, and that an order to cook and supply sausages and potatoes was not a sale of those articles. Sausages were not mentioned in the schedule, which spoke of "ready cooked or prepared food," and sausages were not such food, as "ready cooked or prepared food" meant food that had been previously cooked, and then offered for sale so cooked.

Earl of READING, C.J., said that the application to the Court for the rule *nisi* was made on the ground that the subject matter of the complaint, as being a whole, did not come within the schedule of the Order of the Board of Trade. In other words, it was said that serving a meal to the order of a person was not selling to that person the articles of which the meal consisted within the meaning of the Profiteering Act, and the schedule of the Order; and therefore that the Committee had no jurisdiction to consider the complaints. But, at any rate, if the articles were looked at separately, the cakes came within the schedule to the Order, and therefore some articles were supplied which came within the jurisdiction of the Committee. The argument on behalf of the applicant was that the Court must not look at the articles mentioned in the Schedule, which went to supply the meal; but that once there was a meal supplied at a restaurant, the Profiteering Committee would have no jurisdiction to entertain a complaint as regards the meal. A further argument for the applicant was that the giving of an order in a restaurant to cook a particular article of food took the matter out of the cognisance of the Profiteering Committee, even though that article in its raw state was included in the schedule. In *Rex* v. *Birmingham Profiteering Committee* the Court had recently decided [24th November; this case has not yet been reported] that there was nothing to justify the contention that the Act and Order were not intended to apply to the sale of articles of food in a restaurant for consumption on the premises. If Parliament had so intended, it could easily have said so in terms; and we cannot hold that the fact that an article is sold in a restaurant ousts the jurisdiction of the Committee. In his lordship's opinion, what took place in the present case was not the sale of a meal, but the sale of the articles which made up a meal, although a single charge was made for what was supplied. It was for the vendor to shew how the charge was made up. The main article in the bill was the sausages, and they, in his opinion, fell within the specification in the schedule of "ready cooked or prepared food." It made no difference, in his view, whether a person bought food ready cooked in a shop, or whether he went into a shop or restaurant and, not finding the food ready cooked, or not cooked in the way he liked, gave an order for it to be cooked. The words "ready cooked or prepared food" were of very wide application, and covered the present case. The sausages, therefore, came within the schedule, and these were articles amounting to the cost of 7s. 9d. out of the 12s. 1d. which were within the schedule. The Court had already held that the making up of a bottle of medicine from a prescription and charging for it to the person for whom it was made up was the sale of an article to him. Once it was established that there was jurisdiction in the Committee, the Court would not prohibit it from proceeding with a complaint merely because one or two articles were outside the jurisdiction of the Committee.

SANKEY and SALTER, JJ., concurred.—COUNSEL, *Barrington Ward*, K.C., and *du Parcq*, for the Committee; *Slesser*, for the complainant; *Branson*, for the Board of Trade. SOLICITORS, *Woodcock, Ryland, & Parker*, for *A. de C. Parmitter*, Manchester; *Kenneth Brown, Baker, & Baker*; *Austin & Austin*, for *T. Hudson*, Manchester; *Solicitor to Board of Trade*.

[Reported by G. H. KNOTT, Barrister-at-Law.]

Probate, Divorce, and Admiralty Division.

BURNE *v.* **BURNE AND HOLYOET.** Sir H. Duke, P. 21st November.

HUSBAND'S SUIT FOR DIVORCE—CO-RESPONDENT'S KNOWLEDGE AS TO RESPONDENT BEING A MARRIED WOMAN—PRACTICE AS TO COSTS—DAMAGES—MATERIAL CIRCUMSTANCES FOR ASSESSMENT.

Where a co-respondent has been found guilty of adultery with the respondent, there is no rule of the Court in divorce that he cannot be condemned in the costs of the suit because at the time when he first committed adultery with the respondent he did not know that she was a married woman. Costs are in the discretion of the Court. With regard

to the assessment of damages, although evidence of the co-respondent's means cannot be received, the general position and obligations of the parties are material to consider, in order that an assessment may be arrived at which the co-respondent can discharge, so that it will not defeat its object, but bring a sum into Court to be dealt with.

Robinson *v.* Robinson and Wilson (1898, 78 *L. T.* 391) *and* Norris *v.* Norris and Smith (1913, *P.* 129) *approved and followed.*

This was a husband's suit for dissolution of his marriage with his wife on the ground of her adultery with the co-respondent, against whom damages were claimed. In the petition there was a general charge of adultery with the co-respondent, and also adultery with the co-respondent resulting in the birth of an illegitimate child, on 23rd May, 1918, and in and between the months of April, 1918, and January, 1919. The petitioner claimed £200 damages, or such sum as might be assessed. The respondent did not appear. The co-respondent, by his answer, admitted the adultery resulting in the birth of the child, but denied the other charges, and further denied that, at the time of the admitted adultery, he knew that the respondent was a married woman. He also pleaded condonation by cohabitation in October, 1918. The petitioner, by his reply, joined issue on the denial of adultery and the allegation of ignorance of the respondent being a married woman. As to the alleged condonation, he said that he forgave his wife on 7th March, 1918, and admitted further cohabitation with her in October, 1918, but said that at the latter time he was unaware that there had been further adultery since March, 1918, which he had not condoned. From the evidence it was established that there had been adultery since 1917, during the absence of the petitioner on military service. At the commencement of the adulterous intercourse it appeared that the respondent passed as a single woman, and wore no wedding-ring; but when she became pregnant by the co-respondent he offered to marry her, and she then told him she was the wife of another man. In March, 1918, an interview took place between petitioner, respondent, and co-respondent; and from that date it was clear that the co-respondent knew that the respondent was the wife of the petitioner. The petitioner at that date forgave the respondent, on her promise to have nothing more to do with the co-respondent. In October, 1918, the petitioner returned from his military duties, and lived with his wife and had intercourse with her, being unaware that she had again committed adultery with the co-respondent. But on finding out that she had again been guilty, he left her, and had not since cohabited with her. Evidence of means of the co-respondent was tendered on behalf of the petitioner, but rejected. Counsel for the co-respondent submitted that the decree should be made, without costs against the co-respondent, because when the co-respondent was first guilty of adultery he did not know that the respondent was a married woman, and cited *Bilby* v. *Bilby and Harrop* (1902, 71 L. T. P. 31; 1902, P. 8). Counsel, for petitioner, *contra*. Skinner, as *amicus curiae*, cited *Norris* v. *Norris and Smith* (*supra*).

Sir H. Duke, P., in the course of his judgment, said:—The important question arising in this case is with reference to what happened from the spring of 1918 to the month of October, 1918. The evidence is that the respondent and co-respondent continued during this period to live in adjacent flats, and that communication between them did not cease, but, on the contrary, that they openly cohabited and lived in adultery. I have to decide, first, whether the co-respondent is relieved from his liability to pay costs; and, secondly, whether this is a case for damages, and if so, what amount I should assess. It is suggested that the practice is that, when at the time of the adulterous intimacy springing up he has no knowledge of the woman being married, that circumstance, *ipso facto*, absolves her paramour from all liability for costs. In my judgment there is no such rule, and costs remain in the discretion of the Court. That is laid down by Lord Gorell in *Robinson* v. *Robinson and Wilson* (*supra*), and by my brother, Hill, J., in *Norris* v. *Norris and Smith* (*supra*); and I do not find anything in *Bilby* v. *Bilby and Harrop* (*supra*) to weigh against the expressed view of those two judges, with which I entirely concur. I therefore propose to act upon that view, and to exercise my discretion on the question of costs arising in this case. In my opinion it is a bad case, and discreditable to the co-respondent, though I do not say that there may not be some mitigating circumstances. I therefore decree that the co-respondent be condemned in the costs. There remains the question of damages. On this part of the case it is, in my view, material that the adulterous intercourse went on long after it had been confessed and forgiven. It may have been easy for the co-respondent to blind the husband at that juncture by telling him that he (the co-respondent) did not know that the woman was married; but even if I act on the view that this statement was true, the co-respondent committed adultery, with full knowledge of the facts, after March, 1918, and I must assess the loss he occasioned to the petitioner in the light of the evidence available. It is clear I must not receive evidence of particular means or profits of the co-respondent, but common sense tells me that one must bear in mind the general position and obligations of the parties, and make an award which it will be possible for the co-respondent to meet, and which will not defeat its own object, but bring a sum of money from the co-respondent to be dealt with by the Court. Having dealt with the position of the parties and the loss sustained, his lordship awarded £600 damages, and as this sum exceeded the amount claimed, gave leave to counsel for the petitioner to make the necessary amendment.—Counsel, *Van den Berg*, for petitioner; *Cotes-Preedy*, for co-respondent. Solicitors, *T. E. Preston*, for petitioner; *Sidney Smith, Son, & Leefe*, for co-respondent.

[Reported by C. G. Talbot-Ponsonby, Barrister-at-Law.]

WILSON *v.* **WILSON (King's Proctor shewing Cause).** Sir H. Duke, P. 21st November.

Husband's Suit for Divorce—Petitioner Guilty of Adultery—Discretion of Court under section 31 of Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85)—Principles on Which to Exercise Discretion—Interests of all Parties, Including Those of Children of Marriage, to be Considered.

The discretion of the Court under section 31 of the Matrimonial Causes Act, 1857, to grant relief to a petitioner who has been guilty of adultery is not to be exercised cheerfully or indeed readily, but with stringency. Where the guilty petitioner is the husband, the following facts may be material, if the Court is convinced of his bona fides—*viz.*, (1) *the position and interests of his children;* (2) *the interest of the woman with whom he has committed adultery, that she may be in a position to marry him;* (3) *the fact that the withholding of the decree will not be likely to reconcile husband and wife, and* (4) *the interest of the husband himself that he may re-marry and lead a respectable life.*

This was an intervention by the King's Proctor, on the ground of the adultery of the petitioning husband. The parties were married in 1909, and there were three children of the marriage. During the absence of the petitioner on active service as a soldier the respondent committed adultery with an unknown man, and gave birth to an illegitimate child. On the petitioner's return in 1917 he found his children in a neglected condition, and took them away from his wife; and, having received information as to her adultery, he obtained a decree *nisi* dissolving his marriage on 18th October, 1918. At the hearing of his petition the husband failed to disclose to the Court that he had himself committed adultery with Amelia Brown after he discovered the adultery of his wife. A. Brown was a friend of his family who had taken charge of his children, and but for this lapse was a respectable woman. Further adultery with A. Brown took place, with the result that a child was born prior to the decree *nisi*. A. Brown had since lived with him as his wife, and continued to take care of his children, and he wished to marry her. The respondent was called by the King's Proctor, but was unwilling to give evidence. Counsel for the King's Proctor submitted that there were no special circumstances for the exercise of the Court's discretion, and cited *Hines* v. *Hines and Burdett* (1918, P. 364). Counsel for the petitioner submitted that the discretion was unfettered—*Wickins* v. *Wickins* (1918, P. 265) and *Holland* v. *Holland* (1918, P. 273)—suppression of petitioner's own adultery was no longer fatal—*Brooke* v. *Brooke* (1912, P. 136)—and the interest of the woman and her child should be considered—*Schofield* v. *Schofield* (1915, P. 207).

Sir H. Duke, P., after stating the facts, said: The petitioner is not, in my judgment, a profligate, but desires to live a respectable life and do his best for his children. I accept his statement as to the information that he received, and as to his own observation in June, 1917, as to the effect upon the children of the way in which his wife had treated them. There was also evidence tending to shew that at an earlier period they had been well cared for, but the wife's conduct as a mother is quite likely to have deteriorated when she came under the influence of a paramour. I think that the petitioner, in taking the children away from their mother, acted honestly and in their interest, and it must be remembered that the state of facts which resulted in his adultery arose originally from that proceeding. I do not believe that he intended to deceive the Court, and, whilst I recognize the deliberate character of his action, I must also remember the unfortunate position in which he was placed. I have come to the conclusion that on the whole there are in this case circumstances which warrant the exercise of the judicial discretion in his favour. These are:—(1) the position of the children, to whose interest it is that they should have a home with the sanctions of decency, and, so far as may be, of the law; (2) the position of Amelia Brown, for it is clearly in her interest that she should be lawfully married; (3) the case of the respondent, who long ceased to have any relations with the petitioner, and as to whom there is no prospect that my refusal of relief would have the effect of reconciling her to her husband; and (4) the case of the petitioner—it is in his interest that he should be able to marry and live respectably. This discretion is not to be exercised cheerfully, or indeed readily, but with some degree of stringency. In the present case, however, I think that the circumstances which I have indicated do justify me in exercising it, and I therefore, whilst allowing with costs the intervention of the King's Proctor, which was justified, do not rescind the decree *nisi*.—Counsel, *Rawlinson*, K.C., and *Harold Smith*, for King's Proctor; *Skinner*, for petitioner. Solicitors, *Peet & Manduell*, for petitioner; *Treasury Solicitor*, for King's Proctor.

[Reported by C. G. Talbot-Ponsonby, Barrister-at-Law.]

To obviate the damage to fisheries caused by the washings from tarred roads, experiments have been conducted during the past six months by a Joint Committee of the Ministry of Transport (Roads Department) and the Board of Agriculture and Fisheries. The experimental work includes the production of a road tar which could be recommended for use in the neighbourhood of fishing streams. The South Metropolitan Gas Company have produced a synthetic tar which is now under examination, in comparison with a standard road Board tar. On a site in Hampshire this winter a series of fishponds will be prepared and stocked with trout. During the next tarring season the drainage from a stretch of freshly tarred road will be passed through the circuit of ponds and the results noted.

New Orders, &c.

Orders in Council.

MINISTRY OF TRANSPORT ORDER.

Whereas it is provided by Section 2 of the Ministry of Transport Act, 1919, that as from such date or dates as His Majesty in Council may by Order determine there shall be transferred to the Minister of Transport all powers and duties of any Government Department in relation to—

(*a*) Railways;
(*b*) Light Railways;
(*c*) Tramways;
(*d*) Canals, Waterways and Inland Navigations;
(*e*) Roads, Bridges and Ferries, and Vehicles and Traffic thereon;
(*f*) Harbours, Docks, and Piers:

And whereas it is further provided that nothing in that Section shall transfer to the Minister of Transport the powers of the Board of Trade with respect to the appointment of members or the procedure of the Railway and Canal Commission, but His Majesty in Council may by Order transfer those powers to a Secretary of State instead of to the Minister:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

That all powers of the Board of Trade with respect to the appointment of members or the procedure of the Railway and Canal Commission shall, as from the date of this Order, be transferred to the Secretary of State for the Home Department.

MINISTRY OF HEALTH ACT, 1919 (DATE OF COMMENCEMENT), ORDER (No. 3), 1919.

Whereas by sub-section (1) of section 11 of the Ministry of Health Act, 1919, it is enacted that the Act shall come into operation upon such days or days as may be appointed by Order in Council, and that different days may be appointed for different purposes and provisions of the Act:

Now, therefore, His Majesty, by and with the advice of His Privy Council, in pursuance of the Ministry of Health Act, 1919, and of all other powers enabling Him in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Ministry of Health Act, 1919 (Date of Commencement) Order (No. 3), 1919.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. For the purpose of the transfer to the Minister of Health of the powers and duties of the Board of Education mentioned in paragraph (*a*) of sub-section (1) of Section 3 of the Ministry of Health Act, 1919, the appointed day shall be the First day of December, 1919.

ISLE OF MAN (WAR LEGISLATION) ACT, 1914, ORDER No. 1.

Whereas by the Isle of Man (War Legislation) Act, 1914, His Majesty has power to extend to the Isle of Man any Act which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present war, subject to the adaptations for the purpose of making this Act applicable to the Isle of Man:

And whereas it is desirable to extend to the Isle of Man an Act passed by the Imperial Parliament entitled the Courts (Emergency Powers) Act, 1919:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the said Courts (Emergency Powers) Act, 1919, shall extend to the Isle of Man, subject to the following modification:—

After the word "Parliament" where the same occurs, there shall be read the words "or Act of Tynwald."

ISLE OF MAN (WAR LEGISLATION) ACT, 1914, ORDER No. 2.

Whereas by the Isle of Man (War Legislation) Act, 1914, His Majesty has power to extend to the Isle of Man any Act which, in the opinion of His Majesty, was passed for the purpose of meeting any emergency created by the present War, subject to such adaptations as may be made by the Order for the purpose of making the Act applicable to the Isle of Man:

And whereas His Majesty is of opinion that an Act passed by the Imperial Parliament, entitled the Profiteering Act, 1919, for the purpose of meeting such an emergency, should be extended to the Isle of Man:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the profiteering Act, 1919, shall extend to the Isle of Man subject to the following modifications:—

1. For the words "Board of Trade" wherever the same occur, there shall be substituted the word "Lieutenant-Governor," and except as hereinafter provided all references to the Board of Trade shall be deemed to refer to the Lieutenant-Governor.

In Section 1. (1) (*a*) for the word "they" there shall be substituted the words "the Lieutenant-Governor, with the approval of the Secretary of State for the Home Department," and after the words "maximum prices" there shall be added the words "provided that the approval of the Secretary of State for the Home Department shall not be necessary for any Orders to the same effect as Orders made by the Board of Trade for Great Britain, and limited in duration to such time as the Order of the Board of Trade remains in force."

2. After the words "on summary conviction" there shall be added the words "before a High Bailiff or two justices."

3. In Section 1 (10) and in Section 3 for the words "United Kingdom," there shall be substituted the words "Isle of Man."

4. For Section 2 (2) (*a*) the following proviso shall be substituted:—

(*a*) Every regulation so made shall be laid before Tynwald as soon as may be after it is made, and if a resolution of Tynwald is passed at the next sitting of Tynwald after the sitting at which such regulation has been laid before Tynwald disapproving of such regulation, the same shall be annulled, but without prejudice to the validity of anything previously done thereunder.

5. Section 6 of the said Act shall not apply to the Isle of Man.

6. In Section 7 (1) the words "to an amount not exceeding seventy five thousand pounds" shall be omitted, and for the word "Parliament" there shall be substituted the word "Tynwald."

In Section 7 (3) for the word "Exchequer" there shall be substituted the words "General Revenue of the Isle of Man."

7. For section 8 (2) there shall be substituted the following:—

"This Act shall continue in force so long as the Profiteering Act, 1919, shall remain in force in the United Kingdom and no longer."

BOARD OF TRADE REVOCATION ORDER.

Whereas it is provided by section 2 of the Customs (Exportation Prohibition) Act, 1914, that any Proclamation or Order in Council made under section 8 of the Customs and Inland Revenue Act, 1879, as amended by the Act now in recital, may, whilst a state of war exists, be varied or added to by an order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas it is provided by section 2 of the Customs (Exportation Restriction) Act, 1914, that any Proclamation made under section 1 of the Exportation of Arms Act, 1900, may, whether the Proclamation was made before or after the passing of the Act now in recital, be varied or added to, whilst a state of war exists, by an Order made by the Lords of the Council on the recommendation of the Board of Trade:

And whereas by a Proclamation, dated the 10th day of May, 1917, and made under section 8 of the Customs and Inland Revenue Act, 1879, and section 1 of the Exportation of Arms Act, 1900, and section 1 of the Customs (Exportation Prohibition) Act, 1914, the exportation from the United Kingdom of certain articles to certain or all destinations was prohibited:

And whereas by subsequent Orders of Council, and by the Proclamations dated respectively the 18th day of December, 1918, and the 12th day of March, 1919, the said Proclamation was amended and added to in certain particulars:

And whereas there was this day read at the Board a recommendation from the Board of Trade to the following effect:—

That the Proclamation, dated the 10th day of May, 1917, as amended and added to by subsequent Orders of Council and by the Proclamations dated respectively the 18th day of December, 1918, and the 12th day of March, 1919, should be further amended by making the following amendment in and addition to the schedule to the same:—

(1) That the following heading should be deleted:—
(A) Barley and barley meal.

(2) That the following heading should be added:—
(A) Barley, barley flour and barley meal.

Now, therefore, their lordships, having taken the said recom-

mendation into consideration, are pleased to order, and it is hereby ordered, that the same be approved.

Whereof the Commissioners of His Majesty's Customs and Excise, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

ORDER IN COUNCIL.

Whereas by an Order in Council, dated the twenty-eighth day of November, nineteen hundred and fourteen, His Majesty was pleased to make regulations (called the "Defence of the Realm Regulations") under the Defence of the Realm Consolidation Act, 1914, for securing the public safety and the defence of the realm:

And whereas the said Act has been amended by the Defence of the Realm (Amendment) Act, 1915, the Defence of the Realm (Amendment) (No. 2) Act, 1915, and the Munitions of War Act, 1915, and other enactments:

And whereas the said regulations have been amended by various subsequent Orders in Council:

And whereas it is expedient further to amend the said regulations in manner hereinafter appearing:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following amendments be made in the said regulations:—

1. In regulation 5A for the words "Road Stone Control Committee" there shall be substituted the words "Joint Roads Committee."

2. In regulation 18A for the words "enemy agent" wherever they occur there shall be substituted the words "foreign agent," and for the definition of "enemy agent" the following definition shall be substituted:

"'foreign agent' includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act, either within or without the United Kingdom, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without the United Kingdom, committed or attempted to commit such an act in the interests of a foreign power."

25th November. [*Gazette*, 28th November.

NOTICE.

COLONIAL STOCK ACT, 1900 (63 & 64 VICT. c. 62.).

Addition to List of Stocks under Section 2.

Pursuant to Section 2 of the Colonial Stock Act, 1900, the Lords Commissioners of His Majesty's Treasury hereby give notice, that the provisions of the Act have been complied with in respect of the undermentioned Stock, registered or inscribed in the United Kingdom:—

New South Wales Government 5½ per Cent. Inscribed Stock (1924-34).

The restrictions mentioned in Section 2, Sub-section (2) of the Trustees Act, 1893, apply to the above Stock (see Colonial Stock Act, 1900, Section 2).

NEW DEFENCE OF THE REALM REGULATIONS.

Whereas by an Order in Council, dated the twenty-eighth day of November, nineteen hundred and fourteen, His Majesty was pleased to make regulations (called the "Defence of the Realm Regulations") under the Defence of the Realm Consolidation Act, 1914, for securing the public safety and the defence of the realm:

And whereas the said Act has been amended by the Defence of the Realm (Amendment) Act, 1915, the Defence of the Realm (Amendment) (No. 2) Act, 1915, and the Munitions of War Act, 1915, and other enactments:

And whereas the said regulations have been amended by various subsequent Orders in Council:

And whereas it is expedient further to amend the said regulations in manner hereinafter appearing:

Now, therefore, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the following amendments be made in the said regulations:—

Regulations 7C, 7D and 7E shall be revoked.

Whereas on the 20th day of January, 1914, an International Convention for the Safety of Life at Sea, and for purposes incidental thereto, was duly entered into by His Majesty and the other Signatory Powers more especially referred to and set out in the said Convention:

And whereas a Statute 4 & 5 Geo. V., c. 50, intituled "an Act to make such amendments of the law relating to Merchant Shipping as are necessary or expedient to give effect to an International Convention for the Safety of Life at Sea" (being the Convention above referred to) was passed on the 10th day of August, 1914, the short title of which is "The Merchant Shipping (Convention) Act, 1914":

And whereas by Section 29, Sub-section 5, of the said Act it was provided as follows:—

"This Act shall come into operation on the 1st day of July, 1915:

"Provided that His Majesty may, by Order in Council, from time to time postpone the coming into operation of this Act for such period, not exceeding on any occasion of postponement one year, as may be specified in the Order":

And whereas by divers Orders in Council the coming into operation of the said Act has been from time to time postponed, and now stands postponed, by virtue of an Order in Council of the 25th day of June, 1919, until the 1st day of January, 1920:

And whereas His Majesty deems it expedient that the provisions of the said Act should be further postponed:

Now, therefore, His Majesty, by and with the advice of His Privy Council, in pursuance of the powers vested in Him by the above-recited provision, and of all other powers Him thereunto enabling, doth order, and it is hereby ordered, that the provisions of the Merchant Shipping (Convention) Act, 1914, shall be postponed from coming into operation until the 1st day of July, 1920.

Ministry of Food Orders.

THE BRITISH CHEESE ORDER, 1917.

Notice.

1. Pursuant to the powers reserved to him by Clause 2 of the above Order, the Food Controller hereby orders that the maximum first-hand prices for cheese prescribed by the Notices issued under the above Order dated 10th July, 1919, 12th August, 1919, and 8th October, 1919, shall apply to cheese of the varieties set out in the Schedules to the first and last-mentioned Notices (except Ripened Stilton and Wensleydale Blue cheese) where delivery is made on or before the 31st January, 1920, in the same manner as they apply to cheese where delivery is made on or before 30th November, 1919.

2. The Food Controller hereby further prescribes the prices set out in the Schedule hereto as the maximum first-hand prices for the varieties of cheese therein mentioned and manufactured and delivered as therein specified.

7th November.

[*Schedule of Prices.*]

THE MEAT RETAIL PRICES (ENGLAND AND WALES) ORDER, No. 2, 1918.

THE MEAT RETAIL PRICES (SCOTLAND) ORDER, 1918.

Notice.

In exercise of the powers reserved to him by the above Orders and of all other powers enabling him in that behalf, the Food Controller hereby gives notice that on and after the 10th November, 1919, the maximum price on the sale by retail of any joint or cut of Imported

Mutton or Lamb shall be 2d. per lb. less than the maximum retail price applicable in the case of such joint or cut under the Notice dated the 5th October, 1919, issued under the above-mentioned Orders.

8th November.

ORDER AMENDING THE MEAT (MAXIMUM PRICES) ORDER, 1917.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations and of all other powers enabling him in that behalf, the Food Controller hereby orders that the Meat (Maximum Prices) Order, 1917, as amended (hereinafter called the Principal Order) shall be amended as follows:—

The Schedule to this Order shall, on and after 10th November, 1919, be substituted as respects Great Britain for the Schedule to the Principal Order, set out in the amending Order dated 6th October, 1919.

8th November.

SCHEDULE OF MAXIMUM WHOLESALE MEAT PRICES.

The price in each case is per stone of 8 lbs.

Beef.		Mutton & Lamb.		Pork.		Veal.	
Home killed.	Imported.	Home killed.	Imported.	Home killed.	Imported.	Home killed.	Imported.
Carcase. s. d. 10 0	Hindqrs. s. d. 9 0 Foreqrs. 7 0	Carcase. s. d. 10 6	Carcase. s. d. 7 0	Carcase. s. d. 10 8	Carcase. s. d. 9 6	Carcase. s. d. 7 0	Carcase. s. d. 5 10

Note.—In ascertaining weights, the offals are to be excluded. In the case of pork, other than imported pork, the maximum rate of 10s. 8d. per stone is applicable if the offals are not included in the sale, and the maximum rate shall be 6d. higher if the offals are included in the sale. In each case the weight of the offals shall be excluded in ascertaining the weight of the carcase.

ORDER AMENDING THE SUGAR ORDER (IRELAND), 1917.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations and of all other powers enabling him in that behalf, the Food Controller hereby orders that the Sugar Order (Ireland), 1917 (hereinafter called the Principal Order), shall be amended as follows:—

1. In Clause 21 of the Principal Order there shall be inserted immediately after the words "subject to such conditions as the Food Controller" the words "or the Department of Agriculture and Technical Instruction for Ireland."

2. Copies of the Principal Order hereafter to be printed under the authority of His Majesty's Stationery Office shall be printed with the amendment provided for by this Order, and the Principal Order shall, on and after the 14th November, 1919, be read and take effect as hereby amended.

14th November.

THE MILK (USE OF CHURNS) ORDER, 1919.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations and of all other powers enabling him in that behalf, the Food Controller hereby orders that except under the authority of the Food Controller the following Regulations shall be observed by all persons concerned:—

1. A producer of or dealer in milk shall not, after the 25th November, 1919, use or permit to be used, any milk churn which belongs to any person other than himself for any purpose except for the collection or delivery of milk.

2. A producer of or dealer in milk shall not, after the 2nd December, 1919, use any milk churn which belongs to any person other than himself for the collection of milk from or delivery of milk to any person other than the person to whom the churn belongs or keep in his possession any such milk churn except in either case with the consent of the person to whom the churn belongs.

3. A person shall not obliterate, deface, cover or alter any mark or name on any milk churn except with the consent of the person to whom the churn belongs.

4. For the purposes of this Order, the expression "Milk churn" shall include any part of a milk churn.

5. The Milk Distribution (Emergency) Order, 1919, shall be revoked as on the 2nd December, 1919, but without prejudice to any proceedings in respect of any contravention thereof.

6. Infringements of this Order are summary offences against the Defence of the Realm Regulations.

7. (*a*) This Order may be cited as the Milk (Use of Churns) Order, 1919, and shall come into force on the 25th November, 1919.

(*b*) This Order shall not apply to Ireland.

18th November.

THE DRIED FRUITS (RESTRICTION) ORDER, 1919.

General Licence.

Until further notice the provisions of the above Order shall not apply to dried fruits of the varieties mentioned in the Schedule hereto.

14th November.

The Schedule.

Dried Prunes and Plums.
Dried Peaches and Nectarines.
Dried Apricots.
Dried Pears.
Dried Apples and Apple Rings.

THE INTOXICATING LIQUOR (OUTPUT AND DELIVERY) ORDER, 1917.

Notice of Revocation.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations [S.R. & O., Nos. 270 and 1213 of 1917, No. 600 of 1918, and No. 222 of 1919] and of all other powers enabling him in that behalf, the Food Controller hereby revokes as from 19th November, 1919, the Intoxicating Liquor (Output and Delivery) Order, 1917, as amended, but without prejudice to any proceedings in respect of any contravention thereof.

17th November.

THE MEAT (MAXIMUM PRICES) ORDER, 1917.

Directions relating to Cuts of Home-killed Beef and Mutton in Scotland.

The Food Controller hereby directs pursuant to Clause 1 (*b*) of Part 1 of the Meat (Maximum Prices) Order, 1917, that on and after the 19th November, 1919, until further notice, the maximum wholesale prices for the various cuts of home-killed beef and home-killed mutton mentioned in the Schedule shall in Scotland be at the rates specified in the Schedule, and the Direction under the above Order dated 6th May, 1919, relating to wholesale prices in Scotland [S.R. & O., No. 542 of 1919], is hereby revoked as on 19th November, 1919, but without prejudice to any proceedings in respect of any contravention thereof.

19th November.

Schedule.

(Prices in all cases per stone of 8 lbs.)

Home-killed Beef.

	s.	d.
Brisket	9	0
Shoulder	10	0
Forequarter	9	6
Buttock	10	8
Sirloin and Pope's Eye	11	8
Flank	9	6
Hindquarter	10	8
Hindquarter (without Flank)	11	0

Home-killed Mutton.

	s.	d.
Forequarters	10	4
Hindquarters	11	0
Hindquarters (without Flanks)	11	4
Forequarters and Flanks	10	0

Note.—All beef to be cut imported fashion, *i.e.*, quartered between the 10th and 11th ribs, following the rib straight along. The forequarter to be cut into two portions across the ribs in a straight line terminating at the ball and socket joint between the marrow-bone and the shoulder blade—the cut to begin about eight inches along the rib from the chine bone and dividing the forequarter into almost equal parts.

(i) The cut containing the brisket shall be known as the brisket.
(ii) The cut containing the shoulder shall be known as the shoulder.

The hindquarter to be cut into three portions in the following manner:—

In a straight line across, below the buttock, cutting through the ball and socket joint and terminating about three inches below the tail root, the remaining portion into two pieces by cutting in a straight line across the ribs terminating at a point about eight inches along the rib from the chine bone.

(i) The buttock portion shall be known as the buttock.
(ii) The loin portion shall be known as the sirloin and pope's eye.
(iii) The flank portion shall be known as the flank.

The forequarters of sheep to be cut off between the sixth and seventh ribs, counting from the neck, following the ribs straight along.

The flanks to be cut off in the usual trade manner.

THE MEAT (MAXIMUM PRICES) ORDER, 1917.

Notice.

The Food Controller hereby directs, pursuant to Clause 1 (*b*) of Part I. of the above Order, that the maximum wholesale prices in England and Wales of the various cuts of imported mutton and lamb (cut after arrival in the United Kingdom) mentioned in the Schedule to the Notice issued under the above Order, dated the 13th October, 1919 [S.R. & O., No. 1456 of 1919], shall on and after the 24th November, 1919, in each case be 1s. 6d. per stone of 8 lbs. less than the price mentioned in the said Schedule.

19th November.

THE MILK (WINTER PRICES) ORDER, 1919.

Revocation of General Licence.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations [S.R. & O., No. 1392 of 1919] and of all other powers enabling him in that behalf, the Food Controller hereby revokes, as on the 25th November, 1919, the General Licence, dated 6th October, 1919, relating to the use of milk cans, milk churns and milk bottles.

19th November.

ORDER AMENDING THE EDIBLE OFFALS ((MAXIMUM PRICES) ORDER, 1918.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations and of all other powers enabling him in that behalf, the Food Controller hereby orders that the Edible Offals (Maximum Prices) Order, 1918, as amended (hereinafter called the Principal Order) shall be amended as follows:—

1. On and after the 21st November, 1919, the Principal Order shall, as regards calves' offal, have effect as if the Notice of Revocation dated 29th May, 1919 [S.R. & O., No. 657 of 1919], had never been issued.

2. The item "Kidney Knobs" shall be omitted from the Second Schedule to the Principal Order as amended by the Order dated 5th July, 1919 [S.R. & O., No. 836 of 1919].

21st November.

NOTICE OF REVOCATION.

In exercise of the powers conferred upon him by the Defence of the Realm Regulations and of all other powers enabling him in that behalf, the Food Controller hereby revokes as from 21st November, 1919, the Orders specified in the Schedule hereto, but without prejudice to any proceedings in respect of any contravention thereof.

21st November.

The Schedule.

S. R. & O. Nos. 1094 of 1918 and 33 of 1919.	...	The Canned Meats (Requisition) Order, 1918.
S. R. & O. No. 1643 of 1918.	...	The Canned Meats (Distribution) Order, 1918.

Societies.

City of London Solicitors' Company.

ANNUAL BANQUET.

The annual banquet of the City of London Solicitors' Company was held at the Hall of the Grocers' Company, Princes-street, on Thursday, the 4th inst., the Master, Mr. G. L. F. McNair, taking the chair. A large and distinguished company sat down. The guests included the Lord Mayor, the Lord Chancellor, the Ambassador of the United States of America, the Attorney-General, Viscount Finlay, the Master of the Rolls, the Solicitor-General, Mr. Justice Eve, Mr. Justice Bailhache, Mr. Justice Hill, Mr. Justice Peterson, Mr. Justice Younger, Mr. Justice Astbury, the Common Serjeant, Sir Claud Schuster, Mr. Ian Macpherson, K.C., M.P. (Chief Secretary for Ireland), Mr. R. A. Wright, K.C., Sir Patrick Rose-Innes, K.C., M.P., Mr. Douglas Hogg, K.C., Mr. Patrick Hastings, K.C., Mr. F. D. MacKinnon, K.C., Mr. C. R. Dunlop, K.C., the Hon. Sir Frank Russell, Mr. W. Arthur Sharpe (President), Mr. E. R. Cook (Secretary, Law Society), Mr. Samuel Garrett, Mr. John C. Holmes (Past Master), Sir William J. Crump (Past Master), Sir Thomas D. Berridge (Past Master), Mr. George Cosens (Past Master), Mr. Harry Knox, Mr. A. C. Stanley Jones, C.C., Mr. Douglas A. Howden, Mr. P. D. Botterell, Mr. A. R. Dearman, Mr. J. R. Pakeman, C.B.E., C.C., Mr. R. S. Fraser, and Mr. G. Stanley Pott (members of the court), Mr. Sydney C. Scott (Senior Warden), Mr. T. H. Wrensted (Junior Warden), and Mr. Hugh D. P. Francis, M.C. (Clerk).

The loyal toasts having been given from the chair,

Mr. S. C. Scott (Senior Warden) submitted the health of "The Imperial Forces of the Crown," speaking of the great part which had been played in the war by the members of both branches of the profession. He took the opportunity of welcoming back Mr. Hugh D. P. Francis, the Clerk of the company, who joined up at the beginning of the war, and had served in Egypt, Palestine and other parts, and in France.

General the Lord Horne, K.C.B., K.C.M.G., returned thanks.

The Master gave the health of "The Lord Mayor, the Sheriffs and the Corporation." He expressed his great regret that Sir Homewood Crawford, the first Master of the company, who was to have proposed the toast of the "Legal Profession," was not able to be present on account of illness. He read a telegram from Sir Homewood sending his best wishes, and he proposed to telegraph to him a message to the effect that they missed him very much.

The Lord Mayor having responded,

Sir Thomas O. H. Berridge (Past Master), in the absence of Sir Homewood Crawford, proposed the toast of "The Legal Profession," coupled with the health of the Lord Chancellor and the President of the Law Society. In the course of his remarks he urged that the company was doing good and useful service. It was not acting in opposition to the Law Society, but in co-operation with it.

The Lord Chancellor returned thanks. He said that all of them must regret that a distinguished member of the other branch of the profession—no barrister, so far as he knew, had ever spoken of it as the lower branch—who would have proposed the toast, had been prevented by ill-health from being present. Sir Homewood Crawford would receive the news of their regret, which was general, and which was shared by both branches of the profession. His substitute had played his part extremely well. They would indeed be foolish if they ignored the extraordinary prejudice which the uninstructed world held towards all the legal profession, and always had held. They might

take the books of fiction, they might take the works of dramatists, they might take even some of the more distorted versions of the better-known pages of history, and they would find throughout an extraordinary failure to appreciate the most elementary facts in the contribution which the legal profession had made to the history of the world and the advancement of civilization. One was tempted to apply to this the attitude of the doctor who was asked to go to the man who had spent all his life in profane language at the expense of doctors, and who up till that moment having enjoyed good health, suddenly discovered himself to be extremely ill. They could afford as a profession to survey with indifferent contempt the ignorance of those who thought it worth their while to abuse them, because while they abused them the profession was ruling the world. The country had just been engaged in a period, the most terrible, the most testing in which the world had ever lived, which had endured for almost five years. It was a period of all other periods, one would have thought, the least likely to bring to the front members of the profession, the least likely, when one considered the special gifts to which they might claim to call attention, and to emphasise the merits of their profession. How did they emerge as a profession all the world over from the world war? He saw, in the first place, the brilliant youth of the profession, of the solicitors' and the barristers' branches, and that there was none which responded to the more than immediate impulse of gallantry and self-sacrifice to the Colours than the young men of the legal profession, and the very contrast between the arts of the law and the profession of the soldier illustrated the reality and the extent of the contribution which was made by the lawyers to this great war. The familiar maxim *Inter arma leges silent* was meant to illustrate the profound difference between the profession of the law and that of arms. If he were asked the question on what number of young men of the profession the Military Service Act, the Conscription Act had operated, he could answer that there was no profession in the whole world that had so little to fear from any scrutiny in that respect as the profession to which those whom he was addressing belonged. He would not give them even the most hurried summary of the superb contribution that was made by the young men of the profession to the common call which all over the world organised the forces of civilisation, but he could say that there was no profession in the world which had fewer young men on whom the Conscription Acts became operative when first those Acts became law. There were some grounds for pessimism in the circumstances of to-day, but if one travelled in other countries—certainly in the enemy country—there would be found everywhere, or nearly everywhere, a belief that it must be the fact that Great Britain inspired the war, because nobody but Great Britain had gained anything by it. Referring to the criticisms which were passed upon the Government, such as that we were governed by fools, or rogues, or traitors in the years that had passed, he said that, when he noticed the comparisons which were invariably directed to the heads of this country as between the State-craft of those responsible for the policy of the country in those five years, he remembered that the first Prime Minister was a distinguished member of the barrister branch of the profession, and the second Prime Minister a distinguished member of the solicitor branch, and when people in England assailed the profession and assailed the Governments which carried on the war, it might be true—he did not know—that the editor of the *Daily So-and-So*, or the leader writer of the *Weekly Something-else* would have conducted the war much better. That was one of those unanswerable questions upon which one might speculate to the end of time. But the two successive Governments which carried the country to triumph through the war were led by two lawyer-politicians. It so happened that other parts of the Empire made very considerable contributions upon the legal side. He supposed that the name of General Smuts, who, by an unusual combination in the profession, was both a lieutenant-general and an attorney-general, would be accounted memorable, and that his part as a general in the field and as a member of the War Cabinet would not soon be forgotten. He was a distinguished member of one of the Inns of Court. If he (the Lord Chancellor) turned to Canada, he supposed it would not be thought unreasonable if he mentioned the name of John Borden, who had played a most extraordinary part in the history of the war. They welcomed as a guest the representative of the great United States of America, who occupied the high post of Solicitor-General, and who could speak as the representative of both branches of the profession in the United States, where the division of the two branches did not exist and was not recognized. Of the French, how many of those brilliant statesmen who supported and assisted the spirits of their soldiers had belonged to the legal profession? There were only three countries in the entire world where the legal profession had not played a great part in the war, namely, Germany, Russia and Turkey. In the case of every other considerable country which had taken a great part in the war an immense influence had been exercised by the legal profession. He desired to say that he had inherited from his old friend, Lord Finlay, great traditions in the discharge of his high office. He had learnt from him, when he was his junior at the Bar, the highest and the noblest traditions of the English Bar, and he felt great pride in replying on behalf of the legal profession. Let them make no mistakes about this—it was a profession which of all others, if it were fearlessly and independently followed, in due promotion placed men on the Bench; and it was to this profession that we must look for our final bulwark against the movement of lawlessness which had submerged a great part of Europe, the menacing reverberations of which were heard even in the midst of our boasted civilization. In all the history of the world the profession had contributed some of the greatest intellects, from ancient Rome onwards.

Mr. W. Arthur Sharpe (President of the Law Society) also responded. He said that the Lord Chancellor had shewn very great sympathy with the solicitor branch of the profession. It was the first occasion on which the President of the Law Society had been invited to be present at the reception given by the Lord Chancellor to the Bench and the Bar before the work of the legal year was entered upon. Since he had been President, the society had been engaged with the Lord Chancellor in discussing the burning question of solicitors' costs, which he hoped would be brought to a satisfactory termination without undue delay. His view was not that the two branches should be fused. He hoped that they would go on working together for a long time to come, at any rate. The greater the union between the two branches the greater the assistance they could give one another, and that would be so much the better for the profession and for the public whom they had the honour to serve.

Mr. T. H. Wrensted (Junior Warden) gave the toast of "The Visitors."

The American Ambassador responded. He said it must not be forgotten that the President of the United States was a lawyer, the Secretary of War and the Secretary of the Navy were lawyers, the general who led her armies in the field was a lawyer. There had never been a battle for liberty throughout the world where the lawyer was not in the van, and, after the war, the wreckage, disorder and ruin were left to the lawyer to restore.

Lord Sterndale proposed "The City of London Solicitors' Company," coupled with the health of the Master and Wardens. He said that as Master of the Rolls he had a great deal to do with solicitors. He did not know whether he was considered by them as a guardian angel or as a thorn in the flesh. He had had, in company with the Lord Chancellor, to consider the bitter cry of the solicitors struggling with the rise in prices. He had been tempted to wonder why anyone entered on the solicitor's career, a career involving such unrequited labour, but he had recently been putting his signature to the certificates of eighty-three young gentlemen who had just joined the ranks as solicitors, and he had also from time to time to consider the applications of others who wanted to be relieved from passing certain examinations before entering into articles. Their applications spoke of services rendered, of rank attained, of wounds, of hardships suffered, and of distinctions won which were a credit to any profession. And it was of that profession the Company formed a very important part. He had seen a great deal of the value of association such as that provided by the Company in the trial of cases in the commercial list. The number of members of the Bar concerned with them was limited, and the number of solicitors who were concerned in them was limited, and the result was that work went on more smoothly and with greater facility than it possibly could in litigation under ordinary circumstances. He was afraid there was a tendency some time ago to give up what he might call the go-as-you-please cases. He sincerely hoped that had not gone on, but when some of his brethren had urged that the same thing should rule elsewhere and that all rules of practice and everything else should go by the board, as they did in the Commercial Court, he had always answered, "You cannot do it unless you are dealing with people who are constantly meeting and who know and trust each other." The system was not adapted to people dealing with each other at arm's length and who did not know quite what they could do with one another. To promote such intercourse was the object of the Company, and long might it flourish.

The Master, in returning thanks, said the Company had been formed with the great idea of promoting comradeship and of conducting litigation and other work with the desire to do the best its members could for their clients. They worked in friendship with the Law Society, going to them and they coming to the Company when occasion required. He asserted that the Company had justified its existence.

The band of the Royal Artillery played a selection of music during dinner.

Law Association.

The monthly meeting of the Board of Directors was held at the Law Society's Hall on Thursday, 4th December, 1919, Mr. Spencer Whitehead in the chair. The other directors present were :—Mr. T. H. Gardiner (treasurer), Mr. E. B. V. Christian, Mr. F. W. Emery, Mr. P. E. Marshall, Mr. A. E. Pridham, Mr. W. M. Woodhouse, and the secretary, Mr. E. E. Barron. A vote of condolence was passed on the death of the President, Lord Swinfen. A sum of £140 was voted in relief of deserving cases, and other general business transacted.

Law Students' Debating Society.

At a meeting of the society, held at the Law Society's Hall on Tuesday, 2nd December, 1919 (chairman, Mr. A. R. N. Powys), the subject for debate was : "That the case of *Davis* v. *Curry* (1918, 1 K. B. 109) was wrongly decided." Mr. W. S. Jones opened in the affirmative. Mr. N. R. Fox-Andrewes seconded in the affirmative. Mr. R. Oliver opened in the negative. Mr. S. W. Yellowly seconded in the negative.

The following members also spoke :—Messrs. J. E. Oliver, A. E. Johnson, C. P. Blackwell, T. Anderson, and W. M. Pleadwell. The opener having replied, and the chairman having summed up, the motion was carried by the casting vote of the chairman. There were twenty-three members present.

Legal News.

Change in Partnerships.

Dissolutions.

ALFRED JOHN ADAMS and AUGUSTUS GILBERT COLVILE, solicitors (Adams & Colvile), 5, Frederick's-place, Old Jewry, London, and at Hemel Hempstead, Hertford. Sept. 30.

GEORGE HOLBORN TURNER, RICHARD ROBERT KINGSBURY, and THOMAS KINGSBURY, solicitors (Kingsbury & Turner), 369 and 371, Brixton-road, London, S.W. March 25. Such business will be carried on in the future by the said Richard Robert Kingsbury, Thomas Kingsbury, and John Clemence Turner.

EDWYN HOLT and JOHN GEORGE MAHAFFY, solicitors (Edwyn Holt & Co.), 2, Booth-street, Manchester. March 24.

[*Gazette*, Dec. 5.

General.

The Puebla correspondent of the *Excelsior* says that Mr. Jenkins, the American Consular Agent, who was arrested by the Mexican authorities and subsequently released on bail, attempted on Friday to secure re-imprisonment. He stated that he desired unconditional liberty, and declared that the bail upon which he was liberated was given without his knowledge. The judicial authorities, however, refused to permit him to re-enter the prison. According to *El Democrata*, Mr. Jenkins was liberated after the authorities had received a cheque for $500, the amount of his bail.

Manchester and Salford, where trouble recently occurred between landlords and tenants, are to be placarded with a Ministry of Health poster giving the law regulating the ejectment of a tenant and increase of rent. The Department believe that its reproduction might be of use in other towns, where misunderstanding exists. To adapt the statement to London the necessary changes would have to be made in rental or rateable values. The poster states that where neither the rent nor the rateable value exceeds £52 a year a tenant cannot be ejected except by order of the court, which, if the rent is paid and the tenant observes the conditions of tenancy, and does not cause nuisance or annoyance to neighbours, will only be made where the landlord reasonably requires the house for occupation by himself or his employee, or an employee of some tenant from him, or on some other ground deemed satisfactory. Rent, it is added, cannot be increased except to meet increased local rates paid by the landlord; by 6 per cent. on cost of improvements of structural alterations, not being decoration or repairs; and by an addition not exceeding 10 per cent. of the rent.

Dr. Waldo concluded an inquiry, at the City Coroner's Court, on the 5th inst., into the death of Robert Warner, aged sixty-nine, a master baker, of Hoxton, who died in St. Bartholomew's Hospital while under the influence of stovaine, which had been administered for an operation for hernia. Arising out of the Coroner's remarks at the first hearing as to the giving of anæsthetics by young students and nurses (this system does not exist at St. Bartholomew's Hospital, where there are three resident and four visiting anæsthetists), Dr. Waldo said that a medical correspondent had written to the *Times* saying it seemed a pity that more scientific attention had not been devoted to the subject. If, he added, the Medical Research Committee would take the matter up, a service to the community would be performed. The jury returned a verdict in accordance with the medical evidence, and added a rider that no general or local anæsthetic should be administered by any but a duly qualified medical man, except in most exceptional circumstances, and that the Medical Research Committee and the Ministry of Health be requested to inquire into all matters connected with anæsthetics given for operations. The jury unanimously agreed with the Coroner that legislation with regard to the safe administration of anæsthetics was urgently needed.

Court Papers.

Supreme Court of Judicature.

Date.	Rota of Registrars in attendance on Emergency Rota.	Appeal Court No. 1	Mr. Justice Eve	Mr. Justice Sargant.
Monday Dec. 15	Mr. Leach	Mr. Goldschmidt	Mr. Bloxam	Mr. Borrer
Tuesday 16	Church	Leach	Borrer	Goldschmidt
Wednesday .. 17	Farmer	Church	Goldschmidt	Leach
Thursday 18	Jolly	Farmer	Leach	Church
Friday..... 19	Synge	Jolly	Church	Farmer
Saturday 20	Bloxam	Synge	Farmer	Jolly

Date.	Mr. Justice Joseph.	Mr. Justice Peterson.	Mr. Justice P. O. Lawrence.	Mr. Justice Russell.
Monday Dec. 15	Mr. Synge	Mr. Farmer	Mr. Church	Mr. Jolly
Tuesday 16	Bloxam	Jolly	Farmer	Synge
Wednesday.... 17	Borrer	Synge	Jolly	Bloxam
Thursday 18	Goldschmidt	Bloxam	Synge	Borrer
Friday 19	Leach	Borrer	Bloxam	Goldschmidt
Saturday 20	Church	Goldschmidt	Borrer	Leach

Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

London Gazette.—FRIDAY, Dec. 5.

BLENHEIM GASFITTINGS CO., LTD. (IN VOLUNTARY LIQUIDATION.).—Creditors are requested to send particulars of their debts or claims to Miss Bertha Danziger, 26, Mosley-st., Newcastle-upon-Tyne, liquidator.

CARLTON (LIVERPOOL), 1915, LTD.—Creditors are required, on or before Dec. 20., to send their names and addresses, and the particulars of their debts or claims, to George Augustus Pruddah, 41, North John-st., Liverpool, liquidator.

COAST DEVELOPMENT CORPORATION, LTD. (IN VOLUNTARY LIQUIDATION.).—Creditors are required, on or before Jan. 5, to send their names and addresses, and the particulars of their claims, to Sir Arthur Francis Whinney, K.B.E., and John Francis Stovell, 4e, Frederick's-pl., Old Jewry, liquidators.

MOORFIELD MANSION LTD.—Creditors are required, on or before Jan. 16, to send in their names and addresses, with particulars of their debts or claims, to J. Wheatley Jones, 19, Cooper-st., Manchester, liquidator.

TEEKA-TAIPING, LTD.—Creditors are required, on or before Feb. 9, to send their names and addresses, and the particulars of their debts or claims, to Tom Wickett, Station-hill, Redruth, Cornwall, liquidator.

SEVERN TUNNEL JUNCTION MARKET AND HOTEL CO., LTD.—Creditors are required, on or before Dec. 9, to send in their names and addresses, and full particulars of their debts or claims, to Richard Stratton, at the office of Morgan & Co., King's-chmbrs., 67, High-st., Newport, Mon., liquidator.

London Gazette.—TUESDAY, Dec. 9.

JOHN LEE & SONS, LTD.—Creditors are required, on or before Jan. 11, to send their names and addresses, and the particulars of their debts or claims, to Herbert Brierley, Bankfield Mills, Rochdale, liquidator.

MIDDLEMORE & LAMPLUGH, LTD.—Creditors are required, on or before Dec. 24, to send their names and addresses, and the particulars of their debts or claims, to Harcourt Ashford, 39, Waterloo-st., Birmingham, liquidator.

ALDRIDGE, SALMON & CO., LTD.—Creditors are required, on or before Feb. 28, to send their names and addresses, and the particulars of their debts or claims, to Charles James March, 23, Queen Victoria-st., or Charles Edward Fletcher, 14, George-st., Mansion House, liquidators.

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, Dec. 5.

Carrotina (Malay) Rubber Estate Syndicate, Ltd.	Severn Tunnel Junction Market and Hotel Co., Ltd.
Georgia (Malay) Rubber Estate Syndicate, Ltd.	Redlands Shipping Co., Ltd.
Henry Smither & Son, Ltd.	Daman & Snell, Ltd.
Smallbrook Spinning Co., Ltd.	Bucks Fruit and Vegetable Society, Ltd.
J. S. Parker, Ltd.	Swift Cooperage Co., Ltd.
Derby Plaster Co., Ltd.	Pitwood Growers, Ltd.
Rugby Mill, Ltd.	Rochesters, Ltd.
Lord Hampson & Lord, Ltd.	Nicholson's Towage Co., Ltd.
Northern and Mediterranean Lines, Ltd.	F. A. Jennings, Ltd.
Renoplex Manufacturing Co., Ltd.	W. White & Son (Smithfield), Ltd.
J. & H. Taylor (London), Ltd.	Water Orton Munitions Co., Ltd.
Blenheim Gasfittings Co., Ltd.	Albaverre, Ltd.
Tong Mill Co., Ltd.	Shawbruner, Ltd.
Harrington Brothers (Nottingham), Ltd.	Liquid Purification Co., Ltd.
Newcastle and Gateshead Theatres, Ltd.	Moorfield Mansion, Ltd.
	Williams Hardware Co., Ltd.
	Albert Willis & Arthur, Ltd.

London Gazette.—TUESDAY, Dec. 9.

Aircraft Equipment Co., Ltd.	Indian Motor Taxi-Cab Co., Ltd.
Rivers Engineering Co., Ltd.	Victoria Spinning Co. (Rochdale), Ltd.
I. B. Kilpin & Co., Ltd.	Manchester Land Investment Co., Ltd.
Charles Hattan, Ltd.	Roach Vale Mill, Ltd.
F. Clarkson, Ltd.	Pallum Trust, Ltd.
Ergite, Ltd.	Bengal Iron and Steel Co., Ltd.
L.N. Wastepaper Co., Ltd.	Jernoid, Ltd.
Bechuanaland Copper Co., Ltd.	Island Coal Co., Ltd.
Steam Tug "Expert" Co., Ltd.	Messrs. Gordon Watney & Co., Ltd.

Creditors' Notices.

Under Estates in Chancery.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, Dec. 9.

MACDONALD, RONALD IAN, Lennox-gdns. Jan. 8. Hennell & Sons v. Macdonald. Eve, J. Messrs. Stileman & Neate, 16, Southampton-st., Bloomsbury.

Under 22 & 23 Vict. cap. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Dec. 5.

ALEXANDER, SARAH ANN, Shepherd's Bush. Jan. 6. E. C. Rawlings, Butt & Bowyer, 2, Walbrook.

ALDRED, MARY ANN, Cheadle, Chester. Jan. 2. Marriott & Co., Manchester.

BARNES, ADA MAUD, Urmston. Jan. 7. Rob, Kidd Whitaker, Haslingden.

BAKER, ISAAC, Ryde, Isle of Wight. Jan. 5. John Robinson, Ryde, I.W.

BENNETT, ALFRED EASTER, Otley, Farmer. Jan. 3. Birkett, Ridley & Francis, Ipswich.

COPSON, FANNY, Kempsey, Worcester. Jan. 10. H. H. Foster, Malvern.

COCHRANE, ALEXANDER, Boston, Mass., U.S.A. Jan. 15. Baxter & Co., 12, Victoria-st.

DANIS, GEORGE, West Hendon, Builder. Jan. 5. Walter Maskell & Co., 7, John-st.

DANIELS, WILLIAM POTTINGER, Camden-rd. Jan. 8. Moodie & Sons, 2 Basinghall-av.

DE RANCE, ANNE BERTENSON, Rhyl. Jan. 1. Bird & Bird, 5, Gray's inn-sq.

DILNOT-SMITH, LEWIS, Sandwich, Fruiterer. Jan. 10. Fred A. Cloke, Sandwich.

DRUMMOND, STRIL, Grosvenor-st. Jan. 10. Hasties, 65, Lincoln's inn-fields.

DUNSTONE, SYDNEY GAY, Treviskey, Cornwall, Farmer. Dec. 27. Coulter, Hancock & Thrall, Truro.

FLETCHER, FRANCIS, Sutton Coldfield. Jan. 15. Thompson & Warmington, Dudley.

FOXCROFT, THERESA, Sheffield. Jan. 14. Fernell & Son, Sheffield.

FRANKLYN, HOLLOND, Yoxall, Staffs. Jan. 14. Foyer, White, Borrett & Black, 26, Essex-st., Strand.

FRANCE, ROSENDO RAMOS Y, Las Palmas, Grand Canary. Jan. 7. Lawrence Jones & Co., 4, St. Mary Axe.

GOODWIN, THOMAS, Great Wigston, Leicester. Jan. 10. Ingram, Berridge, Flude & Frearson, Leicester.

GOODWIN, MARY MATILDA, Kilburn-la. Jan. 30. Stringer & Stringer, Kilburn.

HALLSWORTHY, HARRIETT ELIZABETH, Old Normanton, Derby. Jan. 6. J. & W. H. Sale & Son, Derby.

HARTLEY, Rev. RICHARD SWANWICK, West Clandon, Surrey. Dec. 30. A. F. W. Stephens, Chatham.

HASLEWOOD, ALBERT OCTAVIUS, Buxton, Medical Practitioner. Jan. 15. Shipton & Ainsworth, Buxton.

HILL, HERBERT HENRY, Huddersfield. Jan. 1. Lupton & Fawcett, Leeds.

HUDSON, HARRIET, Halifax. Jan. 3. Dickons & Aked, Halifax.

JESSOP, ARTHUR, Pendleton. Jan. 10. Rawle, Johnstone & Co., 1, Bedford-row.

JOYCE, ELIZA MILDREN, Plymouth. Dec. 31. R. Robinson Rodd & Son, Plymouth.

KITSON, CAROLINE, Bridlington. Jan. 15. Maw & Redman, Hull.

LAUGHLIN, HENRY MAURICE STANLEY, Ipswich, Grocer. Jan. 3. Birkett, Ridley & Francis, Ipswich.

LAMB, ELIZABETH BAILIS, Plymouth. Jan. 9. Shelly & Johns, Plymouth.

LESTER, SARAH ANN, Forest Hill. Jan. 7. Chas. T. Price, 9, Bush-la.

LEVETT, ERNEST LAURENCE, Hyde Park. Dec. 31. Warren, Murton, Miller & Foster, 45, Bloomsbury-sq.

LOWE, JOHN EDWARD, Shrewsbury, Licensed Victualler. Jan. 21. H. W. Hughes & Son, Shrewsbury.

MARSON, SARAH ANN, Brisbane, Australia. Jan. 5. Theodore Goddard & Co., 19, Serjeants' inn.

METCALFE, FRANCIS, Newcastle-upon-Tyne. Jan. 14. C. H. Gibson, Newcastle-upon-Tyne.

MUSSON, MARY FRANCES, Surbiton-hill. Jan. 15. Garrett & Son, 14, Great James-st.

NEWTON, JANE, East Stockport. Jan. 7. Arthur P. Brooks, Stockport.

ORRELL, THOMAS, Walton, Liverpool. Jan. 5. Snowball, Kyffin-Taylor & Praddah, Liverpool.

PAGE, THOMAS, Bristol, Dairyman. Mar. 1, 1920. J. H. King, Bristol.

PARROTT, RICHARD WILLIAM, Hull. Dec. 29. Wm. Gilfoy, Hull.

PEMBERTON, MARY ELIZABETH, Harrogate. Jan. 1. Geo. Francis Stott, Leeds.

PEARCE, JOHN THOMAS, Smethwick, Staffs., Manufacturing Jeweller. Jan. 1. W. L. Highway, Birmingham.

PEARSE, FRANCIS CHAPPELL, Clayhanger, Devon, Farmer. Feb. 1. William Thomas Booker, Wellington, Somerset.

PIGOTT, ROBERT STUART, Los Angeles, California, Actor. Dec. 31. Gery & Brooks, Cavendish-sq.

PRIESTLEY, RACHEL, Bradford. Dec. 31. John B. Atkinson, Shipley.

RAY, WILLIAM HENRY LOUIS, Worthing. Dec. 31. Young, Jones & Co., 2, Suffolk-la.

REBURN, WILLIAM HENRY, Plymouth. Jan. 9. Shelly & Johns, Plymouth.

RICHARDSON, MARY ANNE ELIZABETH, Balham. Apr. 10. Boxall & Boxall, 22, Chancery-la.

ROBERTS, ELLEN, Colnbrook, Bucks. Jan. 1. E. C. Rawlings, Butt & Bowyer, 2, Walbrook.

SHAND, EDITH SYMONS, Earl's Court. Dec. 31. Davidson & Morriss, 40 and 42, Queen Victoria-st.

SHAND, CHARLES, Kensington. Dec. 31. Davidson & Morriss, 40 and 42, Queen Victoria-st.

SIMS, CATHERINE ELVINA, Upper Norwood. Jan. 1. Lowe & Co., 2, Temple-gdns., Temple.

SMITH, WINIFRED, Leeds. Jan. 20. Nelson, Eddisons & Lupton, Leeds.

SMITHIES, JOE, Huddersfield. Jan. 31. Arthur Bastide, Brighouse.

THOMPSON, JOHN, Cumwhitton, Cumberland, Grocer. Dec. 19. Bendle, Sibson & Davidson, Carlisle.

TILLEY, JOHN EDWARD, Dalston. Jan. 10. Routh, Stacey & Castle, 14, Southampton-st., Bloomsbury.

TODD, HENRY CUTHBERT, Putney-hill, Pawnbroker. Dec. 31. Beaumont & Son, 66, Old Broad-st.

TURNER, AGNES, Bridlington. Jan. 15. Maw & Redman, Hull.

WARNE, ESTHER, Downham Market, Norfolk. Jan. 1. Reed & Wayman, Downham Market, Norfolk.

WELLER, WILLIAM, West Firle, Lewes, Under Steward. Jan. 3. Hubert J. Hillman, Lewes.

WRIGHT, ROSE, Ossett, Yorks. Dec. 31. Alec. Lawrence & Son, Ossett, Yorks.

Bankruptcy Notices.

London Gazette.—FRIDAY, Dec. 5.

RECEIVING ORDERS.

GORRINGE, ARTHUR, Hove. High Court. Pet. Nov. 11. Ord. Dec. 3.

GRESLEY, LAURENCE, Park-st. High Court. Pet. Oct. 11. Ord. Dec. 3.

HASLAM, ARTHUR, West Kensington. High Court. Pet. Nov. 12. Ord. Dec. 3.

JONES, DAVID EVAN, Porth, Glam., Collier. Pontypridd. Pet. Dec. 3. Ord. Dec. 3.

THOMPSON, A., Manchester, Paper Maker's Agent. Manchester. Pet. Nov. 17. Ord. Dec. 1.

FIRST MEETINGS.

CRAFT, GEORGE HERBERT, Balby, Doncaster, Labourer. Dec. 12 at 11.30. Off. Rec., Figtree-la., Sheffield.

CROWCROFT, ALFRED, Rotherham, Steel Merchant. Dec. 12 at 12.30. Off. Rec., Figtree-la., Sheffield.

GRIFFITHS, JAMES, Rotherham. Dec. 12 at 12. Off. Rec., Figtree-la., Sheffield.

GORRINGE, ARTHUR, Hove. Dec. 16 at 11. Bankruptcy-bldgs., Carey-st.

GRESLEY, LAURENCE, Park-st. Dec. 16 at 12. Bankruptcy bldgs., Carey-st.

HASLAM, ARTHUR, West Kensington. Dec. 15 at 11. Bankruptcy-bldgs., Carey-st.

HOLLOWAY, ALFRED CHARLES, Angmering, Traveller. Dec. 15 at 2.30. Off. Rec., 12a, Marlborough-pl., Brighton.

PRICE, SARAH ELLEN, Aberdare, Draper. Dec. 12 at 11.30. Off. Rec., St. Catherine's-chmbrs., St. Catherine-st., Pontypridd.

SANDERS, THOMAS SIDNEY, Kingston-upon Hull, Fish Merchant. Dec. 15 at 11.30. Off. Rec., York City Bank-chmbrs, Lowgate, Hull.

ROBINSON, AMY VERNON, Dyserth, Flint. Dec. 12 at 12. Crypt-chmbrs., Eastgate-row, Chester.

SIMMONS, ANNIE ELIZABETH, Tywardreath, Cornwall. Dec. 16 at 12. Off. Rec., 12, Princes-st., Truro.

WHITE, FREDERICK WILLIAM, Portsmouth, Oil and Colour Merchant. Dec. 15 at 12. Off. Rec., Cambridge-junction, High-st., Portsmouth.

ADJUDICATIONS.

CARGILL, HERBERT DAVID, Piccadilly. High Court. Pet. Oct. 11. Ord. Dec. 2.

CHAMBERS, HENRY DAVY, Leyton, Piano Tuner. High Court. Pet. Oct. 30. Ord. Dec. 3.

DUNCAN, BASIL WILLIAM, Piccadilly. High Court. Pet. Oct. 15. Ord. Dec. 2.

DAVIS, WILFRED FREDERICK, Leigh, Staffs. Burton-on-Trent. Pet. Oct. 1. Ord. Dec. 1.

GRIFFITHS, JAMES, Dalton, nr. Rotherham, York. Sheffield. Pet. Sept. 15. Ord. Dec. 3.

JONES, DAVID EVAN, Porth, Glam, Collier, Pontypridd. Pet. Dec. 3. Ord. Dec. 3.

OAKES, VICTOR, Forest Hill, Bootmaker. Greenwich. Pet. Sept. 4. Ord. Dec. 2.

Amended Notice substituted for that published in the London Gazette of Nov. 25.

CROYLE, LEOPOLD ALEXANDER, Ashford, Journeyman Carpenter. Canterbury. Pet. Oct. 3. Ord. Nov. 21.

ADJUDICATION ANNULLED.

FORD, ANSON ST. CLAIR ST. CLAIR, Ashton-under-Hill, Glos. Worcester. Adjud. July 4, 1912. Annul. Nov. 22, 1919.